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GIS Data Sources

Data Layer (MXD): Substations

Data File Name (Feature Class/Shapefile/Raster): Substations_032510

Data File Type: Vector

Data Source: WETT Electric

Data Current As Of: December 2018

Acquired/Downloaded: N/A

Download Link: G:\WETT\DATA\Transmission\Substations_032510.shp (Local Server)

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Data File Name (Feature Class/Shapefile/Raster): NHD_H_Teaxs_State_gdb.gdb

Data File Type: Vector

Data Source: USGS

Data Current As Of: November 2018

Acquired/Downloaded: November 2018

Download Link: G:\WETT\DATA\Hydro\ NHD_H_Teaxs_State_gdb.gdb (Local Server)

Data Layer (MXD): New Substations

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Data Source: WETT Electric

Data Current As Of: December 2018

Acquired/Downloaded: N/A

Download Link: G:\WETT\DATA\Transmission\LongDraw_NewSub_103118.shp (Local Server)

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Data File Type: Vector

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Data Current As Of: December 2018

Acquired/Downloaded: N/A

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Data File Type: Vector

Data Source: Texas Railroad Commission (TxRRC)

Data Current As Of: November 2018

Acquired/Downloaded: November 2018

Download Link: http://gis2.rrc.state.tx.us/public/

Data Layer (MXD): Oil/Gas Wells

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Data File Type: Vector

Data Source: Texas Railroad Commission (TxRRC)

Data Current As Of: November 2018

Acquired/Downloaded: November 2018

Download Link: http://gis2.rrc.state.tx.us/public/

Data Layer (MXD): Study Area

Data File Name (Database/Shapefile): ProposedRoute_1000ftBuff_112618

Data File Type: Vector

Data Source: KPE Data

Current As Of: December 2018

Acquired/Downloaded: N/A

Download Link: G:\WETT\DATA\Long Draw\ProposedRoute_1000ftBuff_112618.shp (Local Server)

Data Layer (MXD): Proposed 138kV Line

Data File Name (Feature Class/Shapefile/Raster): LongDrawRoute_112618

Data File Type: Vector

Data Source: WETT

Data Current As Of: December 2018

Acquired/Downloaded: N/A

Download Link: G:\WETT\DATA\Long Draw\LongDrawRoute_112618.shp (Local Server)

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Data File Name (Feature Class/Shapefile/Raster): LongDrawRoutes_110218

Data File Type: Vector

Data Source: WETT

Data Current As Of: December 2018

Acquired/Downloaded: N/A

Download Link: G:\WETT\DATA\Long Draw\LongDrawRoutes_110218.shp (Local Server)

Data Layer (MXD): Soils

Data File Name (Feature Class/Shapefile/Raster): gSSURGO_TX.gdb

Data File Type: Vector

Data Source: NRCS

Data Current As Of: December 2018

Acquired/Downloaded: December 2018

Download Link: https://gdg.sc.egov.usda.gov/

Data Layer (MXD): National Wetland Inventory (NWI)

Data File Name (Feature Class/Shapefile/Raster): TX_geodatabase_wetlands.gdb

Data File Type: Vector

Data Source: USFWS

Data Current As Of: December 2018

Acquired/Downloaded: December 2018

Download Link: https://www.fws.gov/wetlands/Data/State-Downloads.html

Data Layer (MXD): Imagery

Data File Name (Feature Class/Shapefile/Raster): Multiple Rasters

Data File Type: Web-enabled Map Service

Data Source: ESRI

Data Current As Of: N/A

Acquired/Downloaded: November 2018

Download Link: http://goto.arcgisonline.com/maps/World_Imagery

Data Layer (MXD): Base Map - World Topo Map

Data File Name (Feature Class/Shapefile/Raster): World Topo Map

Data File Type: Web-enabled Map Service

Data Source: ESRI

Data Current As Of: November 2018

Acquired/Downloaded: November 2018

Download Link: http://goto.arcgisonline.com/maps/World_Topo_Map

Data Layer (MXD): TXNDD Element Occurrence

Data File Name (Feature Class/Shapefile/Raster): PSDS_DEV_ElementOccurrence_TPWD

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Data Current As Of: November 2018

Acquired/Downloaded: November 2018

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Data File Type: Web-enabled Map Service

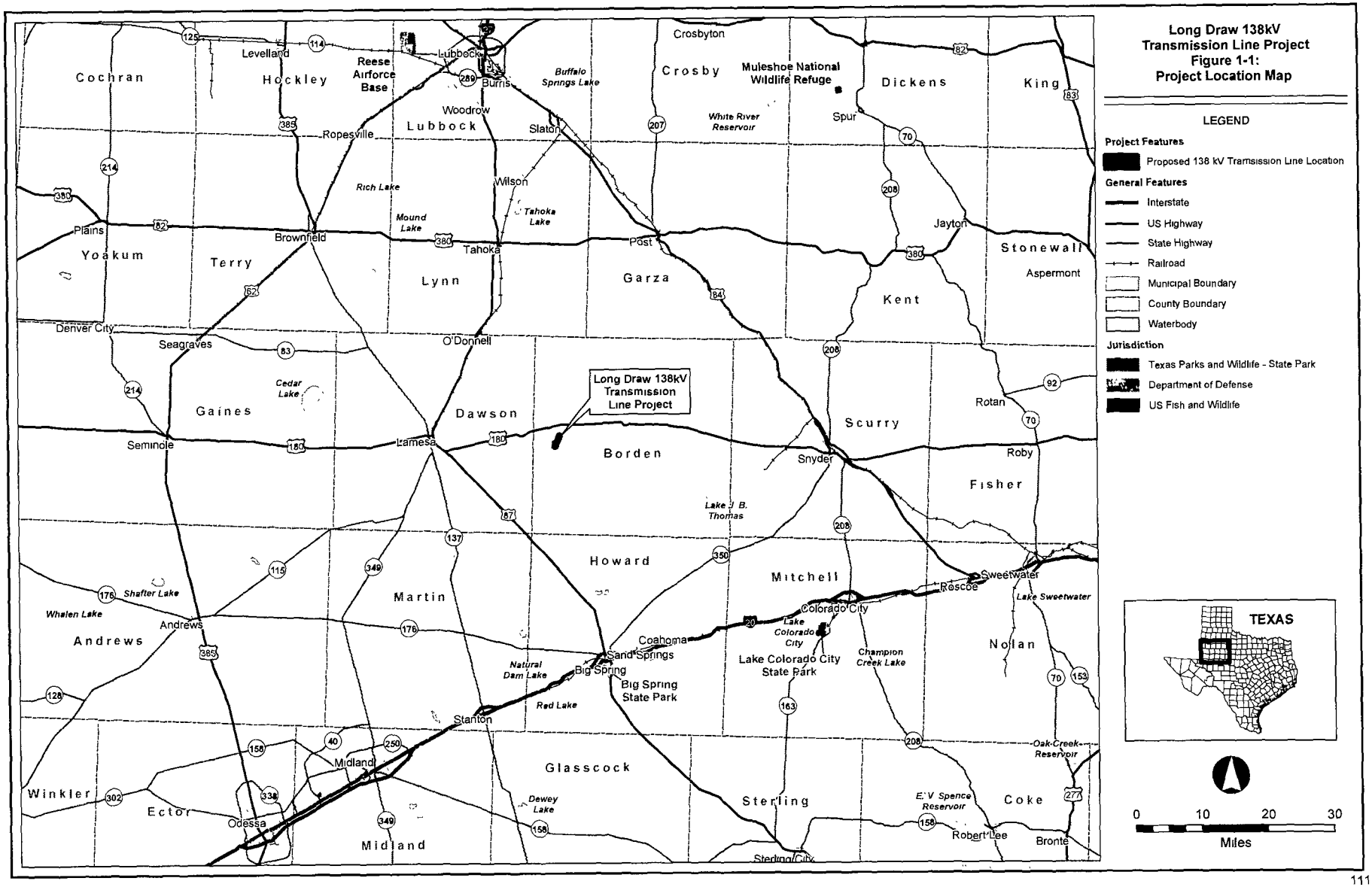
Data Source: NAIP

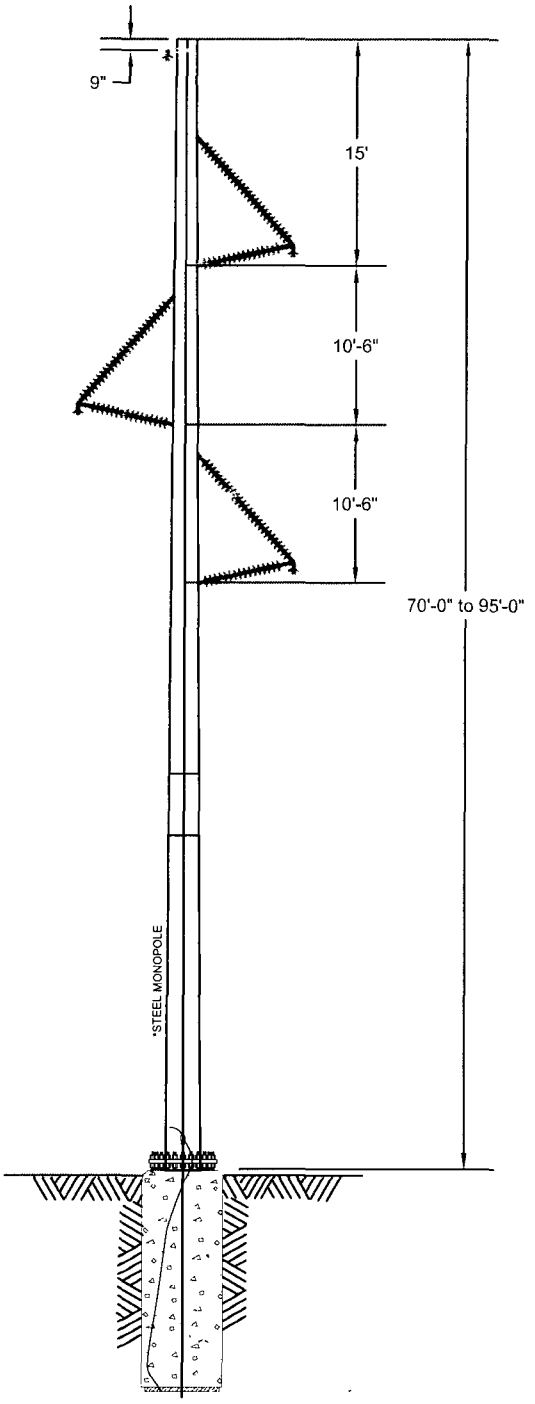
Data Current As Of: 2016

Acquired/Downloaded: November 2018

Download Link:
https://gis.apfo.usda.gov/arcgis/services/NAIP/Texas_2016_1m/ImageServer

APPENDIX A - FIGURES


Long Draw 138kV Transmission Line Project
Figure 1-1:
Project Location Map
LEGEND
Project Features
Proposed 138 kV Transmission Line Location
General Features
Interstate
US Highway
State Highway
Railroad
Municipal Boundary
County Boundary
Waterbody
Jurisdiction
Texas Parks and Wildlife - State Park
Department of Defense
US Fish and Wildlife
Long Draw 138kV Transmission Line Project
TEXAS
0 10 20 30
Miles
Cochran
Hockley
Lubbock
Crosby
Dickens
King
Yoakum
Terry
Lynn
Garza
Kent
Stonewall
Gaines
Dawson
Borden
Scurry
Fisher
Howard
Mitchell
Martin
Nolan
Andrews
Glasscock
Sterling
Coke
Winkler
Ector
Midland
Levelland
Reese Airforce Base
Buffalo Springs Lake
Muleshoe National Wildlife Refuge
White River Reservoir
Woodrow
Slaton
Spur
Ropesville
Rich Lake
Mound Lake
Wilson
Tahoka Lake
Tahoka
Post
Jayton
Aspermont
Brownfield
Plains
Denver City
Seagraves
O'Donnell
Cedar Lake
Seminole
Lamesa
Snyder
Rotan
Roby
Lake J. B. Thomas
Sweetwater
Roscoe
Lake Sweetwater
Colorado City
Lake Colorado City
Lake Colorado City State Park
Champion Creek Lake
Coahoma
Sand Springs
Big Spring
Big Spring State Park
Natural Dam Lake
Red Lake
Stanton
Midland
Odessa
Dewey Lake
Oak Creek Reservoir
E.V. Spence Reservoir
Robert Lee
Bronte
Sterling City
Shafter Lake
Whalen Lake
Andrews



GENERAL LAYOUT - ELEVATION 138kV TANGENT POLE

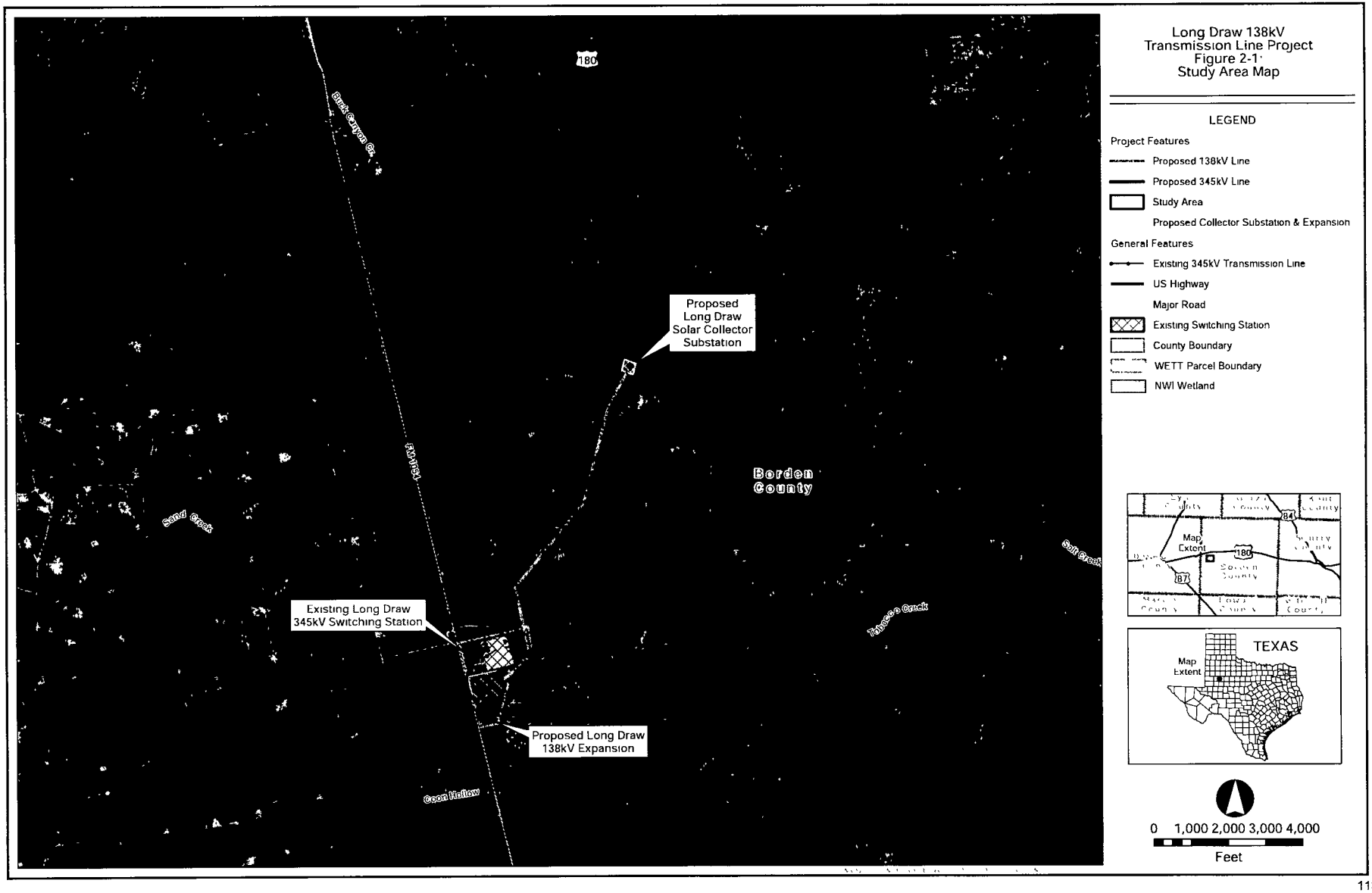
M&S ENGINEERING
CIVIL | ELECTRICAL | STRUCTURAL | MEP
TEXAS PROFESSIONAL ENGINEERING FIRM # F-1354
WWW.MSENGR.COM | (830) 228-5446

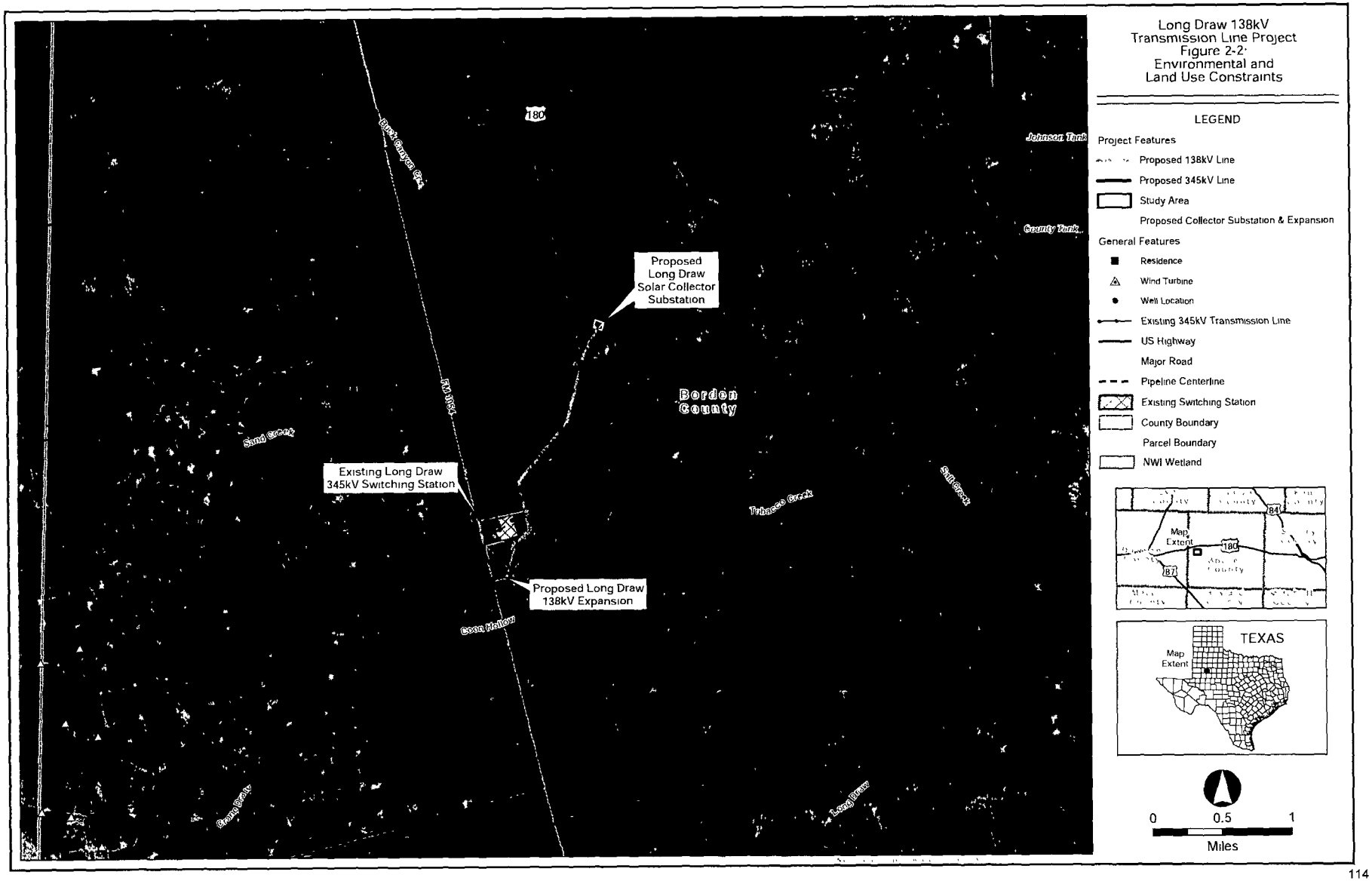
LONG DRAW SOLAR
138kV SINGLE CIRCUIT
(0°-2°) TANGENT POLE
GENERAL OUTLINE DRAWING

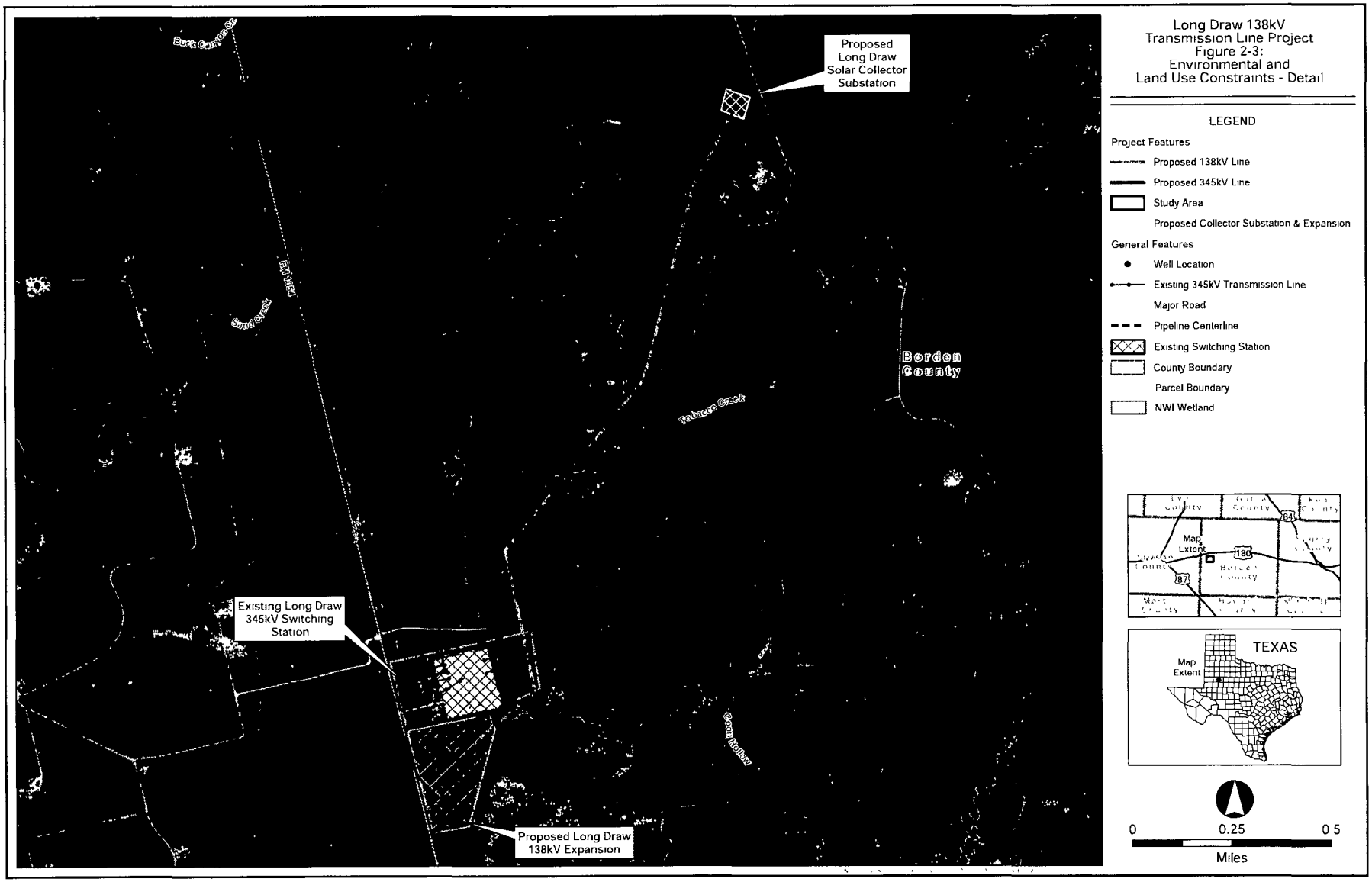
DATE	1/28/2019
HORZ SCALE	N/A
VERT SCALE	N/A
PLOT SCALE	1:1
DRAWING NO	N/A

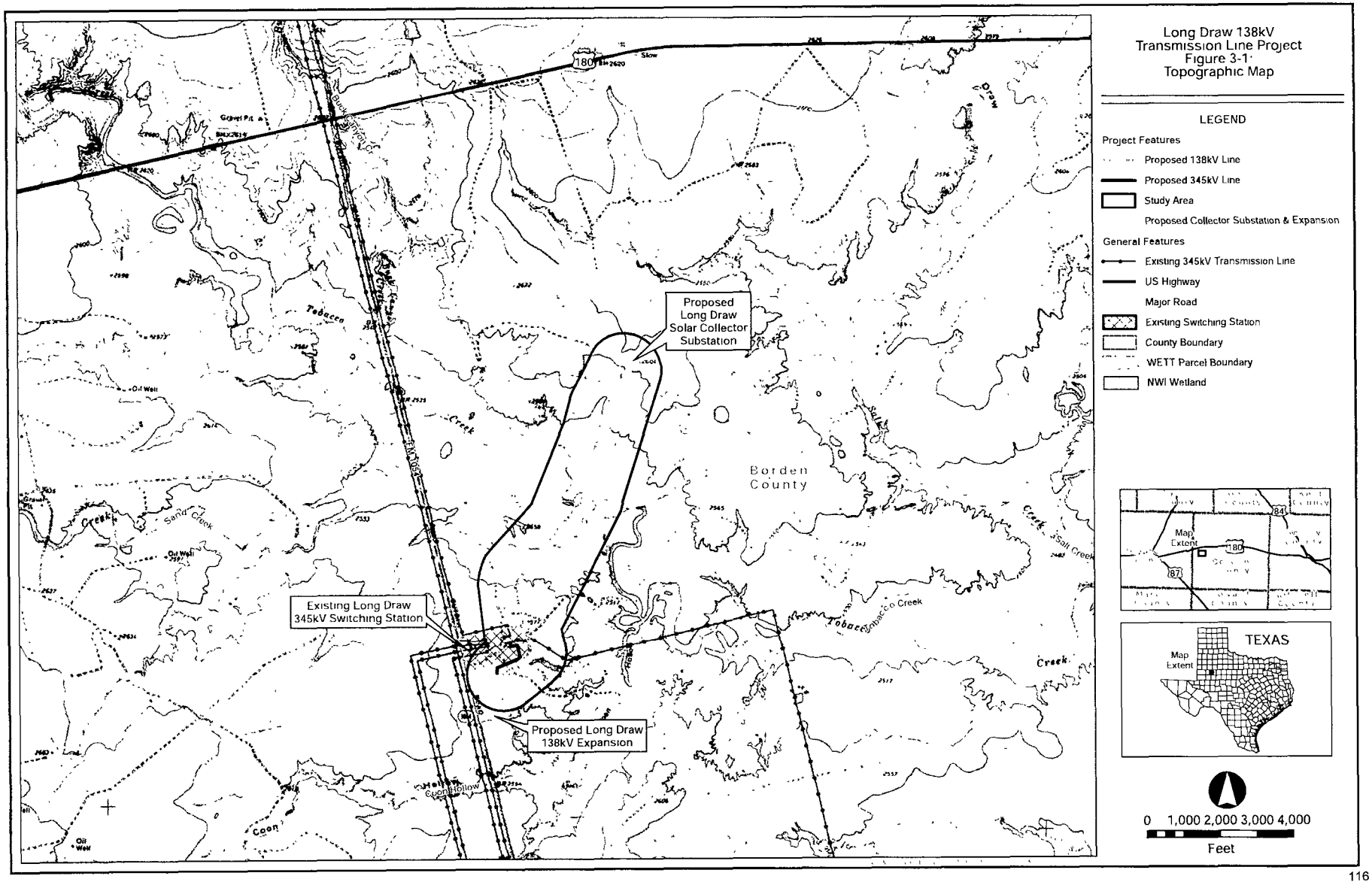
WIND TRANSMISSION TEXAS, LLC
WETT

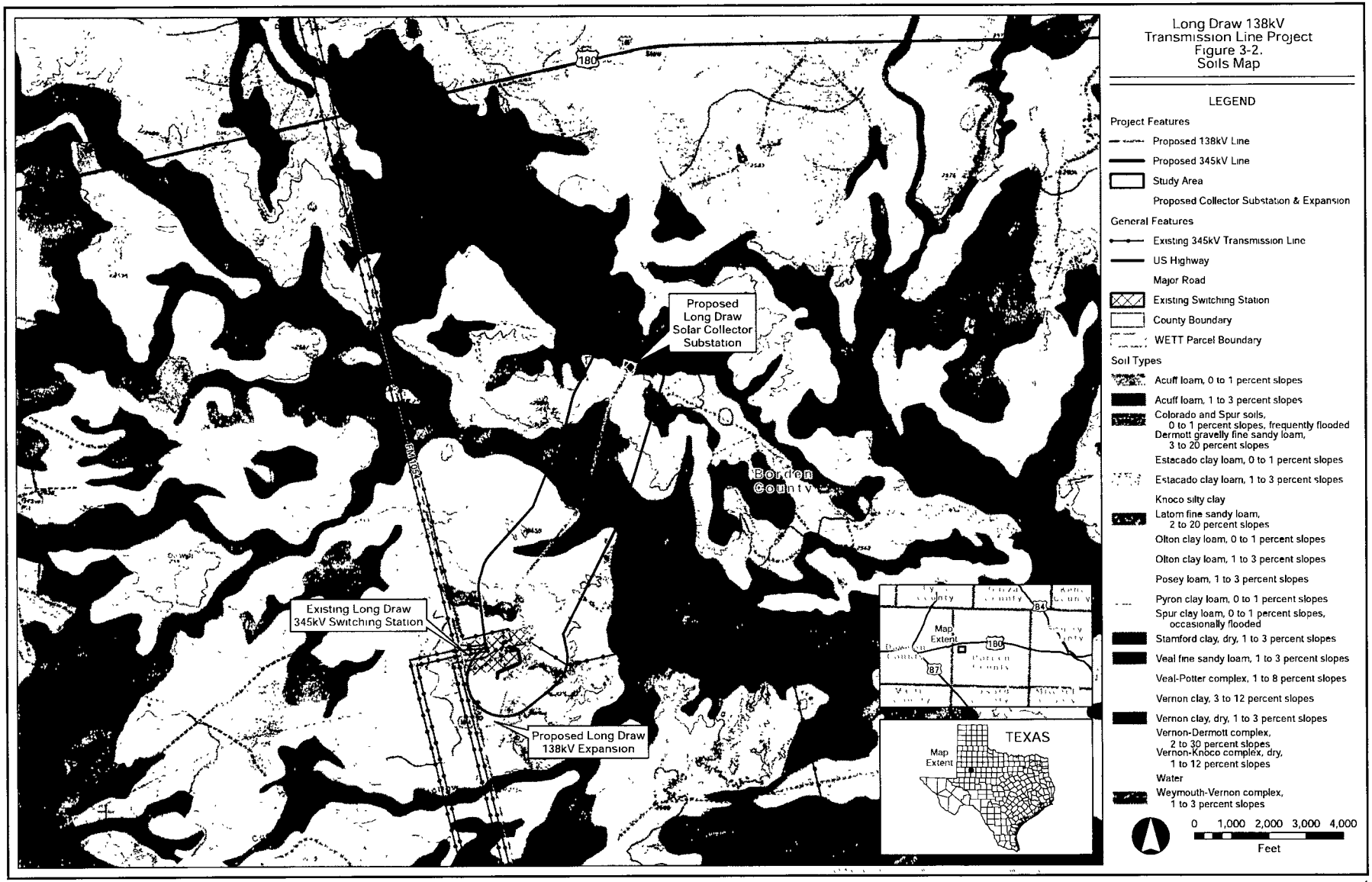
COMPANY NUMBER	WORK ORDER	SHEET NO
		1 OF 1


Long Draw 138kV
Transmission Line Project
Figure 2-1
Study Area Map
LEGEND
Project Features
Proposed 138kV Line
Proposed 345kV Line
Study Area
Proposed Collector Substation & Expansion
General Features
Existing 345kV Transmission Line
US Highway
Major Road
Existing Switching Station
County Boundary
WETT Parcel Boundary
NWI Wetland
180
First Canyon Cr.
Proposed
Long Draw
Solar Collector
Substation
Borden
County
Sand Creek
Salt Creek
Tobacco Creek
Existing Long Draw
345kV Switching Station
Proposed Long Draw
138kV Expansion
Coon Hollow
Map
Extent
84
180
87
TEXAS
Map
Extent
0 1,000 2,000 3,000 4,000
Feet


Long Draw 138kV
Transmission Line Project
Figure 2-2:
Environmental and
Land Use Constraints
LEGEND
Project Features
Proposed 138kV Line
Proposed 345kV Line
Study Area
Proposed Collector Substation & Expansion
General Features
Residence
Wind Turbine
Well Location
Existing 345kV Transmission Line
US Highway
Major Road
Pipeline Centerline
Existing Switching Station
County Boundary
Parcel Boundary
NWI Wetland
Proposed Long Draw Solar Collector Substation
Existing Long Draw 345kV Switching Station
Proposed Long Draw 138kV Expansion
Borden County
Johnson Tank
County Tank
Sand Creek
Tributary Creek
Still Creek
Long Draw
Map Extent
TEXAS
0
0.5
1
Miles


Proposed Long Draw Solar Collector Substation
Existing Long Draw 345kV Switching Station
Proposed Long Draw 138kV Expansion
Buck Canyon Cr
Sand Creek
Tobacco Creek
Goon Hollow
Borden County
Long Draw 138kV Transmission Line Project
Figure 2-3:
Environmental and
Land Use Constraints - Detail
LEGEND
Project Features
Proposed 138kV Line
Proposed 345kV Line
Study Area
Proposed Collector Substation & Expansion
General Features
Well Location
Existing 345kV Transmission Line
Major Road
Pipeline Centerline
Existing Switching Station
County Boundary
Parcel Boundary
NWI Wetland
Map Extent
TEXAS
Map Extent
0
0.25
0 5
Miles


Long Draw 138kV
Transmission Line Project
Figure 3-1
Topographic Map
LEGEND
Project Features
Proposed 138kV Line
Proposed 345kV Line
Study Area
Proposed Collector Substation & Expansion
General Features
Existing 345kV Transmission Line
US Highway
Major Road
Existing Switching Station
County Boundary
WETT Parcel Boundary
NWI Wetland
Proposed Long Draw Solar Collector Substation
Existing Long Draw 345kV Switching Station
Proposed Long Draw 138kV Expansion
Borden County
Tobacco Creek
Sand Creek
Coon
Map Extent
TEXAS
0 1,000 2,000 3,000 4,000
Feet

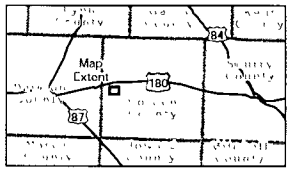

Long Draw 138kV
Transmission Line Project
Figure 3-2.
Soils Map
LEGEND
Project Features
Proposed 138kV Line
Proposed 345kV Line
Study Area
Proposed Collector Substation & Expansion
General Features
Existing 345kV Transmission Line
US Highway
Major Road
Existing Switching Station
County Boundary
WETT Parcel Boundary
Soil Types
Acuff loam, 0 to 1 percent slopes
Acuff loam, 1 to 3 percent slopes
Colorado and Spur soils, 0 to 1 percent slopes, frequently flooded
Dermott gravelly fine sandy loam, 3 to 20 percent slopes
Estacado clay loam, 0 to 1 percent slopes
Estacado clay loam, 1 to 3 percent slopes
Knoco silty clay
Latom fine sandy loam, 2 to 20 percent slopes
Olton clay loam, 0 to 1 percent slopes
Olton clay loam, 1 to 3 percent slopes
Posey loam, 1 to 3 percent slopes
Pyron clay loam, 0 to 1 percent slopes
Spur clay loam, 0 to 1 percent slopes, occasionally flooded
Stamford clay, dry, 1 to 3 percent slopes
Veal fine sandy loam, 1 to 3 percent slopes
Veal-Potter complex, 1 to 8 percent slopes
Vernon clay, 3 to 12 percent slopes
Vernon clay, dry, 1 to 3 percent slopes
Vernon-Dermott complex, 2 to 30 percent slopes
Vernon-Knoco complex, dry, 1 to 12 percent slopes
Water
Weymouth-Vernon complex, 1 to 3 percent slopes
0 1,000 2,000 3,000 4,000
Feet
Proposed Long Draw Solar Collector Substation
Existing Long Draw 345kV Switching Station
Proposed Long Draw 138kV Expansion
Borden County
180
FM 1053
Map Extent
TEXAS
Map Extent

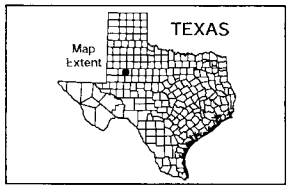
Long Draw 138kV
Transmission Line Project
Figure 3-3
Waters and Wetlands

LEGEND

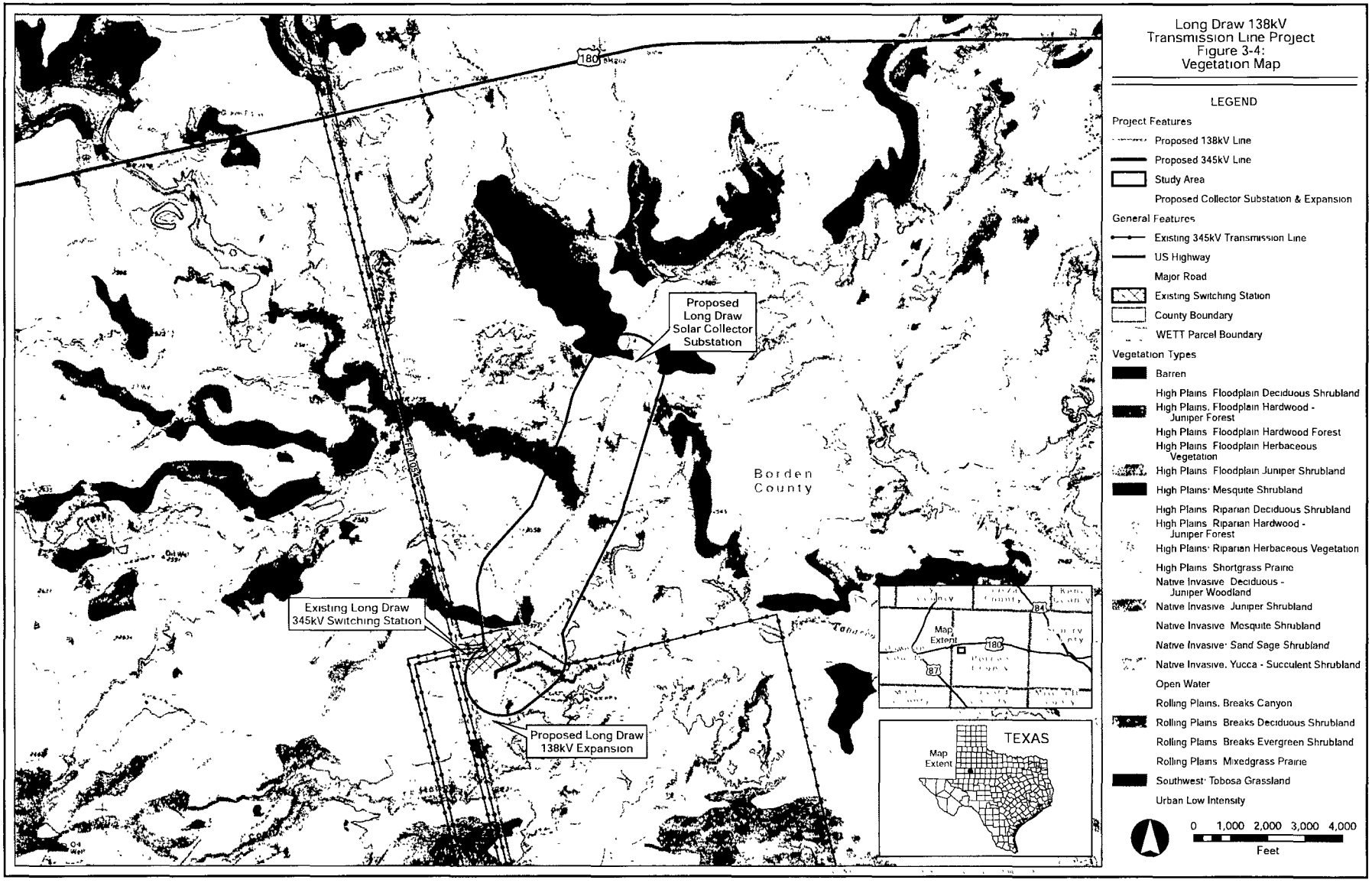
Project Features
- Proposed 138kV Line
- Proposed 345kV Line
- Study Area
- Proposed Collector Substation & Expansion

General Features
- Existing 345kV Transmission Line
- US Highway
- Major Road
- Existing Switching Station
- County Boundary
- WETT Parcel Boundary
- NWI Wetland





0 1,000 2,000
Feet


Long Draw 138kV
Transmission Line Project
Figure 3-4:
Vegetation Map
LEGEND
Project Features
Proposed 138kV Line
Proposed 345kV Line
Study Area
Proposed Collector Substation & Expansion
General Features
Existing 345kV Transmission Line
US Highway
Major Road
Existing Switching Station
County Boundary
WETT Parcel Boundary
Vegetation Types
Barren
High Plains Floodplain Deciduous Shrubland
High Plains, Floodplain Hardwood - Juniper Forest
High Plains Floodplain Hardwood Forest
High Plains Floodplain Herbaceous Vegetation
High Plains Floodplain Juniper Shrubland
High Plains Mesquite Shrubland
High Plains Riparian Deciduous Shrubland
High Plains Riparian Hardwood - Juniper Forest
High Plains Riparian Herbaceous Vegetation
High Plains Shortgrass Prairie
Native Invasive Deciduous - Juniper Woodland
Native Invasive Juniper Shrubland
Native Invasive Mesquite Shrubland
Native Invasive Sand Sage Shrubland
Native Invasive, Yucca - Succulent Shrubland
Open Water
Rolling Plains, Breaks Canyon
Rolling Plains Breaks Deciduous Shrubland
Rolling Plains Breaks Evergreen Shrubland
Rolling Plains Mixedgrass Prairie
Southwest Tobosa Grassland
Urban Low Intensity
0 1,000 2,000 3,000 4,000
Feet
Proposed Long Draw Solar Collector Substation
Existing Long Draw 345kV Switching Station
Proposed Long Draw 138kV Expansion
Borden County
Map Extent
TEXAS
Map Extent
180
84
87

APPENDIX B – AGENCY CORRESPONDENCE

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Terry L. Biggio
Regional Administrator – Southwest Region
Federal Aviation Administration
Obstruction Evaluation Group:
10101 Hillwood Parkway
Fort Worth, TX, 76177

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Biggio:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

This project requires WETT to file an application for a Certificate of Convenience and Necessity (CCN) from the Public Utility Commission of Texas (PUCT). In support of that process, KP Environmental, Inc. (KPE) is preparing the Environmental Assessment (EA) for the new transmission line and is currently collecting data on the existing environment and identifying environmental resources and potential impacts within the study area.

If you have any comments or concerns regarding environmental resources or other issues of interest within the study area, we would appreciate your sharing those with us as they will be important in assessing impacts. Your comments will be included as part of the project record that is filed with the PUCT. So that they may be timely addressed, we ask that you share your comments with us by January 11, 2019.

Following PUCT approval of the project, WETT will determine the need for additional approvals and/or permits. If there are specific permits or approvals you may require before construction of the project, please also identify those and WETT will contact your office following the PUCT's approval.

If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Charlie Cook
Floodplain Management and Insurance Branch – Mitigation Division, Region 6
Federal Emergency Management Agency
FRC 800 North Loop 288
Denton, TX 76209

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Cook:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Fort Stockton Service Center
Natural Resources Conservation Service
2306 W Dickinson Blvd, Suite 1
Fort Stockton, TX 79735

RE: WETT Long Draw 138kV Transmission Line Project

Dear Sir/Madam:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave
Encinitas, CA 92024
602-909-2636

December 3, 2018

Colonel Charles H. Klinge, Jr.
Fort Worth District - Colonel
U.S. Army Corps of Engineers
819 Taylor Street
Fort Worth, TX 76102

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Klinge:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

John Perkins
Rural Development – Area Director
U.S. Department of Agriculture
2306 W Dickinson Blvd, Suite 2
Fort Stockton, TX 79735

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Perkins:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Steven J. Sample
Deputy Director – Dept. of Defense Siting Clearinghouse
U.S. Department of Defense
3400 Defense Pentagon
Washington, DC 20301

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Sample:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

U.S. Environmental Protection Agency – Region 6
1445 Ross Avenue, Suite 1200
Mail Code: 6PD
Dallas, TX 75202

RE: WETT Long Draw 138kV Transmission Line Project

Dear Sir/Madam:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave
Encinitas, CA 92024
602-909-2636

December 3, 2018

Adam Zerrenner
West/Central Texas Field Supervisor
U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, TX 78758

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Zerrenner:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

David Fulton
Aviation Division Director
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Fulton:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave
Encinitas, CA 92024
602-909-2636

December 3, 2018

Carlos Swonke
Environmental Affairs Division Director
Texas Department of Transportation
125 E. 11th Street
Austin, TX 78701

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Swonke:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave
Encinitas, CA 92024
602-909-2636

December 3, 2018

Carl L. Johnson, P.E.
Abilene District Engineer
Texas Department of Transportation
4250 N. Clack
Abilene, TX 79601

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Johnson:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave
Encinitas, CA 92024
602-909-2636

December 3, 2018

George P. Bush
Commissioner
Texas General Land Office
1700 N. Congress Avenue, Suite 395
Austin, TX 78701

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Bush:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Mark Wolfe
Executive Director
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Wolfe:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Jessica E. Schmerler
Habitat Assessment Biologist – Wildlife Habitat Assessment Program
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, TX 78744

RE: WETT Long Draw 138kV Transmission Line Project

Ms. Schmerler:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any comments or concerns regarding environmental resources or other issues of interest within the study area, we would appreciate your sharing those with us as they will be important in assessing impacts. Your comments will be included as part of the project record that is filed with the PUCT. So that they may be timely addressed, we ask that you share your comments with us by January 11, 2019.

Following PUCT approval of the project, WETT will determine the need for additional approvals and/or permits. If there are specific permits or approvals you may require before construction of the project, please also identify those and WETT will contact your office following the PUCT's approval.

If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave
Encinitas, CA 92024
602-909-2636

December 3, 2018

Lee Huntoon
Manager of Water Supply and Infrastructure for Panhandle, West Region F
Texas Water Development Board
P.O. Box 13231
Austin, TX 78711

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Huntoon:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Lorinda Gardner
Regional Director – Region 7, Midland
Texas Commission on Environmental Quality
9900 W IH-20, Suite 100
Midland, TX 79706

RE: WETT Long Draw 138kV Transmission Line Project

Ms. Gardner:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

John Grant
General Manager
Colorado River Municipal Water District
400 E. 24th Street
Big Spring, TX 79720

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Grant:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Terri Moore
Executive Director
Permian Basin Regional Planning Commission
P.O. Box 60660
Midland, TX 79711

RE: WETT Long Draw 138kV Transmission Line Project

Ms. Moore:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Ross D. Sharp
District Judge
Borden County
117 East Wassom
Gail, TX 79738

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Sharp:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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Following PUCT approval of the project, WETT will determine the need for additional approvals and/or permits. If there are specific permits or approvals you may require before construction of the project, please also identify those and WETT will contact your office following the PUCT's approval.

If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave
Encinitas, CA 92024
602-909-2636

December 3, 2018

Monte Smith
Precinct 1 Commissioner
Borden County
P.O. Box 156
Gail, TX 79738

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Smith:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Randy Adcock
Precinct 2 Commissioner
Borden County
P.O. Box 324
Gail, TX 79738

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Adcock:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Ernest Reyes
Precinct 3 Commissioner
Borden County
P.O. Box 156
Gail, TX 79738

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Reyes:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave
Encinitas, CA 92024
602-909-2636

December 3, 2018

Joe Belew
Precinct 4 Commissioner
Borden County
P.O. Box 156
Gail, TX 79738

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Belew:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave
Encinitas, CA 92024
602-909-2636

December 3, 2018

Jana Underwood
County Clerk
Borden County
117 E. Wasson Street
P.O. Box 124
Gail, TX 79738

RE: WETT Long Draw 138kV Transmission Line Project

Ms. Underwood:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Benny Allison
Sheriff
Borden County
P.O. Box 115
Gail, TX 79738

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Allison:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, Principal
KP Environmental, Inc.

U.S. Department
of Transportation
**Federal Aviation
Administration**

Southwest Region

10101 Hillwood Parkway
Fort Worth, TX 76177

DEC 19 2018

Kenda Pollia
Principal
KP Environmental, Inc.
1038 Dewitt Avenue
Encinitas, CA 92024

Dear Ms. Pollia:

This is in response to your December 4, 2018, correspondence concerning Wind Energy Transmission Texas's LLC proposed new 138-kilovolt and 345-kilovolt electric transmission lines in Bordon County, Texas. You requested information regarding environmental resources or other issues of interest within the study area.

As set forth in Title 14 of the Code of Federal Regulations Part 77, Objects that Affect the Navigable Airspace, the prime concern of the Federal Aviation Administration is the effect of certain proposed construction on the safe and efficient use of the navigable airspace.

To accomplish this mission, aeronautical studies are conducted based on information provided by sponsors on FAA Form 7460-1, Notice of Proposed Construction or Alteration. If your organization is planning to sponsor any construction or alterations that may affect navigable airspace, you must file FAA Form 7460-1 electronically via https://oeaaa.faa.gov/oeaaa/external/portal.jsp.

For additional information and assistance, please feel free to contact the Obstruction Evaluation Group at 10101 Hillwood Parkway, Fort Worth, Texas 76177 or (817) 222-5934.

Sincerely,

Terry L. Biggio
Regional Administrator,
Southwest Region

CC: Obstruction Evaluation Group, AJV-15

U. S. Department of Homeland Security
FEMA Region 6
800 North Loop 288
Denton, TX 76209-3698

FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY
REGION 6
MITIGATION DIVISION

RE: WETT Long Draw 138Kv Transmission Line Project

NOTICE REVIEW/ENVIRONMENTAL CONSULTATION

☐ We have no comments to offer. ☒ We offer the following comments:

WE WOULD REQUEST THAT THE COMMUNITY FLOODPLAIN ADMINISTRATOR BE CONTACTED FOR THE REVIEW AND POSSIBLE PERMIT REQUIREMENTS FOR THIS PROJECT. IF FEDERALLY FUNDED, WE WOULD REQUEST PROJECT TO BE IN COMPLIANCE WITH EO11988 & EO 11990.

The Honorable Ross Sharp
Judge, Borden County
P.O Box 156
Gail, TX 79738
Bordenco_emc@yahoo.com
(806) 756-4391

REVIEWER:

Colleen Sciano
Floodplain Management and Insurance Branch
Mitigation Division
(940) 383-7257

DATE: December 11, 2018

kp environmental

1038 Dewitt Ave.
Encinitas, CA 92024
602-909-2636

December 3, 2018

Charlie Cook
Floodplain Management and Insurance Branch – Mitigation Division, Region 6
Federal Emergency Management Agency
FRC 800 North Loop 288
Denton, TX 76209

RE: WETT Long Draw 138kV Transmission Line Project

Mr. Cook:

Wind Energy Transmission Texas, LLC (WETT) has been requested to and proposes to design and construct an approximately 1.7-mile long 138 kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138kV expansion of its existing Long Draw 345kV high-voltage switching station (which is located adjacent to Farm-to-Market 1054/Vealmoore Road) and the proposed Long Draw Solar switching station (which is being developed approximately 1.6 miles south of U.S. Highway 180 and 10 miles southwest of Gail, Texas). This proposed transmission line would be constructed as a single-circuit 138kV transmission line supported by steel or concrete monopole structures. Additionally, WETT proposes to design and construct approximately 0.3 miles of new 345kV transmission line entirely on its own property to connect the existing Long Draw 345kV switching station to the proposed Long Draw 138kV expansion. The attached map depicts the project study area and key endpoints.

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If you have any further questions or require additional information, please call me at 602.909.2636. Thank you for your assistance.

Sincerely,

Kenda Pollio, KP

Kenda Pollio, Principal
KP Environmental, Inc.

Permian Basin Regional Planning Commission
P.O. BOX 60660 • 2910 LAFORCE BOULEVARD • MIDLAND, TEXAS 79711-0660 • (432) 563-1061 • FAX (432) 563-1728

TERRI MOORE
Executive Director

December 20, 2018

Ms. Kenda Pollio
KP Environmental, Inc.
1038 Dewitt Ave.
Encinitas, CA 92024

RE: WETT Long Draw 138 kV Transmission Line Project

Dear Ms. Pollio:

Thank you for your letter and detailed map of the proposed transmission line project in Borden County.

This office has reviewed the information provided, and hereby offers no comment regarding land use or other environmental concerns. The PBRPC supports the importance of your office in notifying the chief elected official representing the affected area as follows:

County Judge Ross Sharp, PO Box 156, Gail, TX 79738, (806) 756-4391

The PBRPC supports the development of the utility and energy infrastructure of the Permian Basin and wishes your organization success.

Please contact me if you have any questions.

Sincerely,

Virginia Belew
Regional Services Director

TEXAS GENERAL LAND OFFICE
GEORGE P. BUSH, COMMISSIONER

December 6, 2018

Derrik Berg
KP Environmental, Inc.
1038 Dewitt Avenue
Encinitas, CA 92024-3608

Re: WETT Long Draw 138 kV Transmission Line Project

Dear Mr. Berg:

On behalf of Commissioner Bush, I would like to thank you for your letter concerning the above-referenced project.

Using your map depicting the project's study area, it does not appear that the General Land Office will have any environmental issues or land use constraints at this time.

When a final route for this proposed project has been determined, please contact me and we can assess the route to determine if the project will cross any streambeds or Permanent School Fund (PSF) land that would require an easement from our agency.

In the interim, if you would like to speak to me further on this project, I can be reached by email at glenn.rosenbaum@glo.texas.gov or by phone at (512) 463-8180.

Again, thank you for your inquiry.

Sincerely,

Glenn Rosenbaum

Glenn Rosenbaum
Manager, Right-of-Way Department
Leasing Operations

TEXAS HISTORICAL COMMISSION

real places telling real stories

December 10, 2018

Kenda Pollio
KP Environmental
1038 Dewitt Avenue
Encinitas, CA 92024

Re: Project review under the National Historic Preservation Act: WETT Long Draw 138kV Transmission Line Project. (PUCT; THC Tracking No. 201902768)

Dear Ms. Pollio:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed project from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC).

The review staff, led by Drew Sitters, has examined our records and identified multiple, previously recorded archeological sites within, or in the immediate vicinity of, the proposed study area. Much of the area, however, has never been surveyed by a professional archeologist and is likely to contain additional (pre)historic archeological resources. To demonstrate a good faith effort to identify archeological resources that may be adversely affected by the proposed **138kV transmission line** and the proposed **Long Draw Solar Switching Station**, we recommend a professional archeologist conduct an intensive cultural resource survey prior to initiating any ground disturbance. We recommend consulting with a professional archeologist in the early stages of project planning to perform a records search and to identify high probability areas for archeological resources. By consulting with a professional archeologist, previously recorded archeological resources may be avoided. Please submit these results, recommend survey areas, and a scope of work to our office for concurrence.

The proposed Long Draw 138kV Expansion and the 345kV transmission line are located within a previously surveyed area; thus, no survey is required for these portions of the proposed project.

The work should meet the minimum archeological survey standards posted on-line at www.thc state.tx us. A report of investigations should be produced in conformance with the Secretary of the Interior's Guidelines for Archaeology and Historic Preservation, and submitted to this office for review. In addition, any buildings 45 years old or older that are located within the proposed transmission line route should be documented with photographs and included in the report. You may obtain a list of archeologists in Texas on-line at: www.counciloftexasarcheologists.org or www.rpanet.org. Please note that other potentially qualified archeologists not included on these lists may be used.

If any of the work will be performed on public land or within a public easement your archeological principal investigator must obtain an Antiquities Permit from our office before any investigations are undertaken. An Antiquities Permit can be issued as soon as we have received a completed permit application.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning this review, please conta[redacted] Drew Sitters at (512) 463-6252 or Drew.Sitters@THC.Texas.Gov.**

Sincerely,

William A. Wolfe

for
Mark Wolfe, State Historic Preservation Officer
MW/ds

TEXAS HISTORICAL COMMISSION

real places telling real stories

January 3, 2019

Kenda Pollio
Principal
KP Environmental
1038 Dewitt Avenue
Encinitas, CA 92024

Re: Project Review under the National Historic Preservation Act: WETT Long Draw 138kV Transmission Line Project (PUCT; THC Tracking No. 201903032)

Dear Ms. Pollio:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed project from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC).

The review staff, led by Drew Sitters, has examined our records and identified multiple, previously recorded archeological sites within the immediate vicinity of the proposed study area. In addition, much of the area has never been surveyed by a professional archeologist and is likely to contain (pre)historic archeological resources. To demonstrate a good faith effort to identify archeological resources that may be adversely affected by the proposed 1.7-mile-long **138kV transmission line**, we recommend a professional archeologist **conduct an intensive cultural resource survey** prior to initiating any ground disturbance. We also recommend consulting with a professional archeologist during the early stages of project planning to perform a records search and to identify high probability areas for archeological resources. By consulting with a professional archeologist, previously recorded archeological resources may be avoided.

The *Project Review* also included the locations of the proposed Long Draw 138kV Expansion and the proposed Long Draw Solar Switching Station. The area located within the proposed Long Draw 138kV Expansion boundary was previously surveyed with negative findings (THC Tracking No. 201107136; McEnany and Matchen 2010); thus, no survey is required for this portion of the proposed project. However, the proposed **Long Draw Solar Switching** has never been surveyed; therefore, a **cultural resource survey is recommended** for this portion of the proposed project as well.

The work should meet the minimum archeological survey standards posted on-line at www.thc.state.tx.us. A report of investigations should be produced in conformance with the Secretary of the Interior's Guidelines for Archaeology and Historic Preservation, and submitted to this office for review. In addition, any buildings 45 years old or older that are located within the proposed transmission line route should be documented with photographs and included in the report. You may obtain a list of archeologists in Texas on-line at: www.counciloftexasarcheologists.org or www.rpanet.org. Please note that other potentially qualified archeologists not included on these lists may be used.

If any of the work will be performed on public land or within a public easement your archeological principal investigator must obtain an Antiquities Permit from our office before any investigations are undertaken. An Antiquities Permit can be issued as soon as we have received a completed permit application.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning this review, please contact Drew Sitters at (51[redacted] 463-6252 or Drew.Sitters@THC.Texas.Gov.**

Sincerely,

for
Mark Wolfe, State Historic Preservation Officer
MW/ds

TEXAS PARKS & WILDLIFE

Life's better outside.

December 20, 2018

Mr. Derrik Berg
KP Environmental
1038 Dewitt Ave.
Encinitas, CA 92024

RE: WETT Long Draw 138-kV Transmission Line Project

Dear Mr. Berg:

Texas Parks and Wildlife Department (TPWD) has received the preliminary information request regarding the above-referenced proposed transmission line project. TPWD staff has reviewed the information provided and offers the following comments concerning this project. For tracking purposes, please refer to TPWD project number 41125 in any return correspondence regarding this project.

Project Description

Wind Energy Transmission Texas, LLC (WETT) is proposing to design and construct an approximately 1.7 mile long 138-kilovolt (kV) electric transmission line in Borden County, Texas, between a proposed 138-kV expansion of its existing Long Draw 345-kV high-voltage switching station and the proposed Long Draw Solar switching station. This proposed transmission line would be constructed as a single-circuit 138-kV transmission line supported by steel or concrete monopole structures. Additionally WETT proposes to design and construct approximately 0.3 miles of new 345-KV transmission line on its own property to connect the existing Long Draw 345-kV switching station to the proposed Long Draw 138-kV expansion.

Recommendation: TPWD recommends using existing facilities whenever possible. Where new construction is the only feasible option, TPWD recommends routing new transmission lines along existing roads, pipelines, transmission lines, or other utility ROW and easements to reduce habitat fragmentation. By utilizing existing utility corridors, county roads and highway ROWs, adverse impacts to fish and wildlife resources would be mitigated by avoiding and/or minimizing the impacts to undisturbed habitats. Please review the TPWD Recommendations for Electrical Transmission Line Design and Construction found on the Wildlife Habitat Assessment Program website.

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512.389.4800
www.tpwd.texas.gov

Federal Laws

Clean Water Act

Section 404 of the Clean Water Act establishes a federal program to regulate the discharge of dredged and fill material into the waters of the U.S., including wetlands. The U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency are responsible for regulating water resources under this act. Although the regulation of isolated wetlands has been removed from the USACE permitting process, both isolated and jurisdictional wetlands provide habitat for wildlife and help protect water quality.

Recommendation: If the proposed project would impact waterways or associated wetlands, TPWD recommends consulting with the USACE for potential impacts to waters of the U.S. including jurisdictional determinations, delineations, and mitigation. All waterways and associated floodplains, riparian corridors, playa lakes, and wetlands provide valuable wildlife habitat and should be protected to the maximum extent possible. Natural buffers contiguous to any wetlands or aquatic systems should remain undisturbed to preserve wildlife cover, food sources, and travel corridors. During construction, trucks and equipment should use existing bridge or culvert structures to cross creeks. Destruction of inert microhabitats in waterways such as snags, brush piles, fallen logs, creek banks, pools, and gravel stream bottoms should be avoided, as these provide habitat for a variety of fish and wildlife species and their food sources. Erosion controls and sediment runoff control measures should be installed prior to construction and maintained until disturbed areas are permanently revegetated using site specific native vegetation. Measures should be properly installed in order to effectively minimize the amount of sediment and other debris from entering the waterway.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MTBA) prohibits direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species.

Recommendation: TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March through August, to avoid adverse impacts to birds. If clearing vegetation during the migratory

bird nesting season is unavoidable, TPWD recommends surveying the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed by operations. Any vegetation (trees, shrubs, and grasses) or bare ground where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged.

The potential exists for birds to collide with power lines and associated guy wires and static lines. Bird fatalities can also occur due to electrocution if perching birds simultaneously make contact with energized and grounded structures.

Recommendation: For additional information, please see the guidelines published by U.S. Fish and Wildlife Service (USFWS) and the Avian Power Lines Interaction Committee (APLIC) in the updated guidance document Reducing Avian Collisions with Power Lines: State of the Art in 2012. This manual, released on December 20, 2012, identifies best practices and provides specific guidance to help electric utilities and cooperatives reduce bird collisions with power lines. A companion document, Suggested Practices for Avian Protection on Power Lines, was published by APLIC and the USFWS in 2006. For more information on both documents, please visit the APLIC website.

State Law

Parks and Wildlife Code – Chapter 64, Birds

Texas Parks and Wildlife (TPW) Code Section 64.002, regarding protection of nongame birds, provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. TPW Code Section 64.003, regarding destroying nests or eggs, provides that, no person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl. TPW Code Chapter 64 does not allow for incidental take and therefore is more restrictive than the MBTA.

Recommendation: Please review the *Federal Law: Migratory Bird Treaty Act* section above for recommendations as they are also applicable for Chapter 64 of the Parks and Wildlife Code compliance.

Parks and Wildlife Code, Section 68.015

Section 68.015 of the Parks and Wildlife Code regulates state-listed species. Please note that there is no provision for the capture, trap, take, or kill (incidental or otherwise) of state-listed species. A copy of *TPWD Guidelines for Protection of*

State-Listed Species, which includes a list of penalties for take of species, can be found on the TPWD website. State-listed species may only be handled by persons with appropriate authorization from the TPWD Wildlife Permits Office. For more information, please contact the Wildlife Permits Office at (512) 389-4647.

Texas horned lizard (*Phrynosoma cornutum*) – State-listed Threatened

The Texas horned lizard can be found in open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees. Based on publically available aerial imagery, suitable habitat may be present for the Texas horned lizard in the study area. Texas horned lizards are generally active in this part of Texas from mid-April through September. At that time of year, they may be able to avoid slow (less than 15 miles per hour) moving equipment. The remainder of the year, this species hibernates only a few inches underground and they will be much more susceptible to earth moving equipment and compaction.

Recommendation: TPWD recommends WETT avoid disturbing the Texas horned lizard and colonies of its primary food source, the harvester ant (*Pogonomyrmex* sp.), during clearing and construction. TPWD recommends a permitted biological monitor be present during construction to try to relocate Texas horned lizards if found. If the presence of a biological monitor during construction is not feasible, state-listed species observed during construction should be allowed to safely leave the site.

A mixture of cover, food sources, and open ground is important to the Texas horned lizard and harvester ant. Disturbed areas within suitable habitat for the Texas horned lizard should be revegetated with site-specific native, patchy vegetation rather than sod-forming grasses.

Species of Concern/Special Features

In addition to state and federally-protected species, TPWD tracks special features, natural communities, and rare species that are not listed as threatened or endangered. TPWD actively promotes their conservation and considers it important to evaluate and, if necessary, minimize impacts to rare species and their habitat to reduce the likelihood of endangerment and preclude the need to list. These species and communities are tracked in the Texas Natural Diversity Database (TXNDD).

No records of rare, threatened, or endangered species have been documented within 1.5 miles of the study area in the TXNDD. Please note that the absence of TXNDD information in an area does not imply that a species is absent from that

area. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and cannot be used as presence/absence data. This information cannot be substituted for on-the-ground surveys. The TXNDD is updated continuously. The most current and accurate TXNDD data can be requested from the TXNDD website.

Recommendation: Please review the TPWD county list for Borden County, as rare species could be present depending upon habitat availability. These lists are available on the Rare, Threatened, and Endangered Species of Texas website. If during construction, the project area is found to contain rare species, natural plant communities, or special features, TPWD recommends that precautions be taken to avoid impacts to them. The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally listed species. For USFWS threatened and endangered species lists, please see the USFWS Information for Planning and Consultation website.

Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence.

Monarch Conservation Plan

Significant declines in the population of migrating monarch butterflies (*Danaus plexippus*) have led to widespread concern about this species and the long-term persistence of the North American monarch migration. Augmenting larval feeding and adult nectaring opportunities is part of an international conservation effort for the monarch.

Recommendation: For disturbed sites within the monarch migration corridor, TPWD recommends revegetation efforts include planting or seeding native milkweed (*Asclepias* spp) and nectar plants as funding and seed availability allow. Where appropriate and sustainable, TPWD recommends landscaping plans incorporate monarch-friendly plants and/or butterfly gardens. Information about monarch biology, migration, and butterfly gardening can be found on the Monarch Watch website.

Vegetation

Based on Ecological Mapping Systems data, the following vegetation types are found in the study area:

- Barren
- High Plains: Floodplain Deciduous Shrubland
- High Plains: Floodplain Hardwood – Juniper Forest
- High Plains: Floodplain Herbaceous Vegetation
- High Plains: Floodplain Juniper Shrubland
- High Plains: Mesquite Shrubland
- High Plains: Riparian Deciduous Shrubland
- High Plains: Riparian Herbaceous Vegetation
- High Plains: Shortgrass Prairie
- Native Invasive: Mesquite Shrubland
- Rolling Plains: Breaks Deciduous Shrubland
- Rolling Plains: Mixedgrass Prairie
- Urban Low Intensity

Additional information about Ecological Mapping Systems data including a link to download shapefiles, can be found on the TPWD Landscape Ecology Program website.

Conservation Easements

A conservation easement is a legal agreement between a landowner and a land trust or governmental agency that permanently limits uses of the land (including future fragmentation) to protect and conserve the land's natural values such as fertile soils, mature trees, and wildlife habitat. Lands with conservation easements protect existing wildlife habitat from future fragmentation and therefore have greater environmental integrity than comparable lands without conservation easements. Potential fragmentation of wildlife habitat from transmission line construction on properties where conservation agreements serve to protect the state's natural resources now and in the future is of concern to TPWD.

Recommendation: TPWD recommends properties protected by conservation easements be identified in the constraints analysis and avoided during development of alternative routes. Data sources for the location of these properties include, but are not limited to, online databases such as the Protected Areas Data Portal and the National Conservation Easement Database, as well as available county records. If properties protected by conservation easements would be affected, TPWD recommends the length of

routes through these properties be included in any accounting of alternative route impacts.

I appreciate the opportunity to provide preliminary input on potential impacts related to this project and I look forward to reviewing the Environmental Assessment.

Please contact me at (806) 761-4936 or Richard.Hanson@tpwd.texas.gov if you have any questions.

Sincerely,

Rick Hanson

Rick Hanson
Wildlife Habitat Assessment Program
Wildlife Division

RH: 41125

cc: Karen Hubbard, Public Utility Commission

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, FORT WORTH DISTRICT
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

December 14, 2018

Regulatory Division

SUBJECT: Project Number SWF-2018-00474, WETT Long Draw 138kV Transmission Line Project

Ms. Kenda Pollio
KP Environmental, Inc.
1038 Dewitt Ave.
Encinitas, California 92024

Dear Ms. Pollio:

Thank you for your letter received December 10, 2018, concerning a proposal by Wind Energy Transmission Texas, LLC to construct an approximately 1.7-mile long 138kV electric transmission line located in the City of Gail, Borden County, Texas. Ms. Katie Roeder has been assigned as the regulatory project manager. The project has been assigned Project Number SWF-2018-00474, please include this number in all future correspondence concerning this project.

Ms. Katie Roeder has been assigned as the regulatory project manager for your request and will be evaluating it as expeditiously as possible.

You may be contacted for additional information about your request. For your information, please reference the Fort Worth District Regulatory Division homepage at www.swf.usace.army.mil/Missions/Regulatory and particularly guidance on submittals at www.media.swf.usace.army.mil/pubdata/environ/regulatory/introduction/submital.pdf and mitigation at www.usace.army.mil/Missions/Regulatory/Permitting/Mitigation that may help you supplement your current request or prepare future requests.

If you have any questions about the evaluation of your submittal or would like to request a copy of one of the documents referenced above, please refer to our website at http://www.swf.usace.army.mil/Missions/Regulatory or contact Ms. Katie Roeder at the address above or telephone (817) 886-1740 and refer to your assigned project number. Please note that it is unlawful to start work without a Department of the Army permit if one is required.

Please help the regulatory program improve its service by completing the survey on the following website: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

Stephen L Brooks
Chief, Regulatory Division

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
3500 DEFENSE PENTAGON
WASHINGTON, DC 20301-3500

SUSTAINMENT

January 23, 2019

Derrik Berg
Project Manager
KP Environmental, Inc.
1038 Dewitt Ave.
Encinitas, CA 92024

Dear Mr. Berg,

As requested, the Military Aviation and Installation Assurance Siting Clearinghouse coordinated within DoD an informal review of the WETT Long Draw 138kV Transmission Line Project. The results of our review indicated that the transmission line project located in Borden County, Texas, as proposed, will have minimal impact on military operations conducted in the area.

Please note that this informal review by the DoD Military Aviation and Installation Assurance Siting Clearinghouse does not constitute an action under 49 United States Code Section 44718 and that the DoD is not bound by the conclusion arrived at under this informal review. To expedite our review in the Obstruction Evaluation Airport Airspace Analysis (OE/AAA), please add in the project number 2018-12-T-ERC-01 in the comments section of the filing. If you have any questions, please contact me at steven.j.sample4.civ@mail.mil or at 703-571-0076.

Sincerely,

Steven J. Sample
Deputy Director
Military Aviation and Installation
Assurance Siting Clearinghouse

USDA
United States Department of Agriculture

Natural Resources
Conservation Service

State Office

101 S Main Street
Temple, TX 76501
Voice 254.742.9800
Fax 254.742.9819

December 26, 2018

KP Environmental, Inc.
1038 Dewitt Ave.
Encinitas, CA 92024

Attention: Kendra Pollio, Principal

Subject: LNU-Farmland Protection
Proposed WETT Long Draw 138kV Transmission Line Project
NRCS Environmental Assessment of Resources
Borden County, Texas

We have reviewed the information provided in your correspondence dated December 3, 2018 concerning the proposed transmission line project located in Borden County, Texas. This review is part of the National Environmental Policy Act (NEPA) evaluation for the Public Utility Commission of Texas (PUCT).

Please find the attached Custom Soil Resources Report. Selected soil properties and limitations are presented, along with additional restrictions for the proposed project area.

Throughout the project area, depth to bedrock and runoff are concerns. The common bedrock types in the area are mudstone or claystone; which are characterized as noncemented, densic bedrock. This material will slake in water but is very dense when dry and may require extra equipment or accommodations during and after construction. Additionally, we recommend using approved erosion control activities in high sloping areas to reduce erosion and minimize the amount of bare ground or heavily disturbed areas.

The proposed site does not involve Wetland Reserve Easement (WRE) conservation easements on or near the project area.

If you have further questions, please contact me at 254.742.9836 or by email at Carlos.Villarreal@usda.gov (Preferred).

Sincerely,

CARLOS VILLARREAL
Digitally signed by CARLOS VILLARREAL
Date: 2018.12 26 13:22:57 -06'00'

Carlos J. Villarreal
NRCS Soil Scientist

Attachment: **Custom Soil Resources Report for Borden County, Texas**

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Borden County, Texas

Long Draw Solar CCN

December 26, 2018

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other

Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000

Please rely on the bar scale on each map sheet for map measurements

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG 3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below

Soil Survey Area: Borden County, Texas
Survey Area Data: Version 14, Sep 14, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger

Date(s) aerial images were photographed: Dec 6, 2015—Nov 24, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident

Soil Information for All Uses

Soil Properties and Qualities

The Soil Properties and Qualities section includes various soil properties and qualities displayed as thematic maps with a summary table for the soil map units in the selected area of interest. A single value or rating for each map unit is generated by aggregating the interpretive ratings of individual map unit components. This aggregation process is defined for each property or quality.

Soil Qualities and Features

Soil qualities are behavior and performance attributes that are not directly measured, but are inferred from observations of dynamic conditions and from soil properties. Example soil qualities include natural drainage, and frost action. Soil features are attributes that are not directly part of the soil. Example soil features include slope and depth to restrictive layer. These features can greatly impact the use and management of the soil.

Depth to Any Soil Restrictive Layer (Long Draw Solar CCN)

A "restrictive layer" is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers.

This theme presents the depth to any type of restrictive layer that is described for each map unit. If more than one type of restrictive layer is described for an individual soil type, the depth to the shallowest one is presented. If no restrictive layer is described in a map unit, it is represented by the "> 200" depth class.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this soil property, only the representative value is used.

Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- 0 - 25
- 25 - 50
- 50 - 100
- 100 - 150
- 150 - 200
- > 200
- Not rated or not available

Soil Rating Lines
- 0 - 25
- 25 - 50
- 50 - 100
- 100 - 150
- 150 - 200
- > 200
- Not rated or not available

Soil Rating Points
- 0 - 25
- 25 - 50
- 50 - 100
- 100 - 150
- 150 - 200
- > 200
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1 24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System Web Mercator (EPSG 3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below

Soil Survey Area Borden County, Texas
Survey Area Data: Version 14, Sep 14, 2018

Soil map units are labeled (as space allows) for map scales 1 50,000 or larger

Date(s) aerial images were photographed: Dec 6, 2015—Nov 24, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps As a result, some minor shifting of map unit boundaries may be evident

Soil Reports

The Soil Reports section includes various formatted tabular and narrative reports (tables) containing data for each selected soil map unit and each component of each unit. No aggregation of data has occurred as is done in reports in the Soil Properties and Qualities and Suitabilities and Limitations sections.

The reports contain soil interpretive information as well as basic soil properties and qualities. A description of each report (table) is included.

Soil Erosion

This folder contains a collection of tabular reports that present soil erosion factors and groupings. The reports (tables) include all selected map units and components for each map unit. Soil erosion factors are soil properties and interpretations used in evaluating the soil for potential erosion. Example soil erosion factors can include K factor for the whole soil or on a rock free basis, T factor, wind erodibility group and wind erodibility index.

Conservation Planning (Long Draw Solar CCN)

This report provides those soil attributes for the conservation plan for the map units in the selected area. The report includes the map unit symbol, the component name, and the percent of the component in the map unit. It provides the soil description along with the slope, runoff, T Factor, WEI, WEG, Erosion class, Drainage class, Land Capability Classification, and the engineering Hydrologic Group and the erosion factors Kf, the representative percentage of fragments, sand, silt, and clay in the mineral surface horizon. Missing surface data may indicate the presence of an organic surface layer. Further information on these factors can be found in the National Soil Survey Handbook section 618 found at the url http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/ref/?cid=nrcs142p2_054223#00 .

Custom Soil Resource Report

Conservation Planning–Borden County, Texas																	
Map symbol and soil name	Pct. of map unit	Slope RV	USLE Slope Length ft.	Runoff	T Factor	WEI	WEG	Erosion	Drainage	NIRR LCC	Hydrologic Group	Surface					
												Depths in.	Kf Factor	Frag-ments RV	Sand RV	Silt RV	Clay RV
Pt—Dermott gravelly fine sandy loam 3 to 20 percent slopes																	
Dermott	90	6.0	150	Very high	1	56	5	Class 1	Well drained	6e	D	0 - 4	.37	20	60	27	13
StB—Stamford clay, dry, 1 to 3 percent slopes																	
Stamford, dry	90	2.0	298	Very high	3	86	4	Class 1	Well drained	6s	D	0 - 7	.28	1	12	38	50
VcB—Vernon clay, dry, 1 to 3 percent slopes																	
Vernon, dry	90	2.0	298	Very high	3	86	4	Class 1	Well drained	4s	D	0 - 5	28	1	15	35	50
VcE—Vernon clay 3 to 12 percent slopes																	
Vernon	100	8.0	131	—	3	86	4	—	Well drained	6e	D	0 - 5	24	5	22	27	50
VdF—Vernon-Dermott complex, 2 to 30 percent slopes																	
Vernon, dry	50	15.0	68	Very high	3	86	4	Class 1	Well drained	7e	D	0 - 5	.28	1	15	35	50
Dermott	38	5.0	160	Very high	1	56	5	Class 1	Well drained	6e	D	0 - 4	.37	20	60	27	13
Ve—Vernon-Knoco complex, dry, 1 to 12 percent slopes																	
Vernon, dry	54	4.0	180	Very high	3	86	4	Class 1	Well drained	6e	D	0 - 5	28	1	15	35	50
Knoco, dry	30	8.0	131	Very high	2	86	4	Class 1	Well drained	7s	D	0 - 9	28	5	22	28	50
WvB—Weymouth-Vernon complex, 1 to 3 percent slopes																	
Weymouth	50	2.0	200	High	3	48	6	Class 1	Well drained	3s	C	0 - 5	32	2	35	34	31
Vernon	40	2.0	200	Very high	3	86	4L	Class 1	Well drained	4s	D	0 - 5	.32	1	31	31	38

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

APPENDIX C – Status and Rank Key for Use with SGCN and Rare Communities List

Texas Conservation Action Plan 2011: Status and Rank Key

RANK	DEFINITION
USESA (FEDERAL) or SPROT (STATE) LISTING STATUS	
LE	Federally endangered species or population.
LT	Federally threatened species or population.
C	Federal Candidate
SAT	Treated as threatened due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.
PT	Proposed Threatened
PDL	Proposed Delisting/Proposed Delisting
DL	Federally Delisted
E	State endangered species or population.
T	State threatened species or population.
SGCN CONSERVATION (Vulnerability or Rarity) RANKING	
(G) GLOBAL Conservation Status Rank	
GX	Presumed Extinct (species) — Not located despite intensive searches and virtually no likelihood of rediscovery.
	Eliminated (ecological communities) — Eliminated throughout its range, with no restoration potential due to extinction of dominant or characteristic species.
GH	Possibly Extinct (species) — Missing; known from only historical occurrences but still some hope of rediscovery.
	Presumed Eliminated — (Historic, ecological communities)-Presumed eliminated throughout its range, with no or virtually no likelihood that it will be rediscovered, but with the potential for restoration, for example, American Chestnut Forest.
G1	Critically Imperiled — At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
G2	Imperiled — At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
G3	Vulnerable — At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
G4	Apparently Secure — Uncommon but not rare; some cause for long-term concern due to declines or other factors.
G5	Secure — Common; widespread and abundant.
(S) Subnational or STATE Conservation Status Rank	
SX	Presumed Extirpated — Species or community is believed to be extirpated from the nation or state/province. Not located despite intensive searches of historical sites and other appropriate habitat, and virtually no likelihood that it will be rediscovered.
SH	Possibly Extirpated (Historical) — Species or community occurred historically in the nation or state/province, and there is some possibility that it may be rediscovered. Its presence may not have been verified in the past 20-40 years. A species or community could become NH or SH without such a 20-40 year delay if the only known occurrences in a nation or state/province were destroyed or if it had been extensively and unsuccessfully looked for. The NH or SH rank is reserved for species or communities for which some effort has been made to relocate occurrences, rather than simply using this status for all elements not known from verified extant occurrences.
S1	Critically Imperiled — Critically imperiled in the nation or state/province because of extreme rarity (often 5 or fewer occurrences) or because of some factor(s) such as very steep declines making it especially vulnerable to extirpation from the state/province.
S2	Imperiled — Imperiled in the nation or state/province because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the nation or state/province.

RANK	DEFINITION
S3	Vulnerable — Vulnerable in the nation or state/province due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation.
S4	Apparently Secure — Uncommon but not rare; some cause for long-term concern due to declines or other factors.
S5	Secure — Common, widespread, and abundant in the nation or state/province.
SNR	Unranked — Nation or state/province conservation status not yet assessed.
SU	Unrankable — Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.
SNA	Secure — Common, widespread, and abundant in the nation or state/province.
Rank Qualifiers	
?	Inexact Numeric Rank—Denotes inexact numeric rank (e.g., G2?)
Q	Questionable taxonomy—Taxonomic distinctiveness of this entity at the current level is questionable; resolution of this uncertainty may result in change from a species to a subspecies or hybrid, or the inclusion of this taxon in another taxon, with the resulting taxon having a lower-priority conservation priority.
Infraspecific Taxon Conservation Status Ranks	
Infraspecific taxa refer to subspecies, varieties and other designations below the level of the species. Infraspecific taxon status ranks (T-ranks) apply to plants and animal species only; these T-ranks do not apply to ecological communities.	
T#	Infraspecific Taxon (trinomial)—The status of infraspecific taxa (subspecies or varieties) are indicated by a "T-rank" following the species' global rank. Rules for assigning T-ranks follow the same principles outlined above for global conservation status ranks. For example, the global rank of a critically imperiled subspecies of an otherwise widespread and common species would be G5T1. A T-rank cannot imply the subspecies or variety is more abundant than the species as a whole-for example, a G1T2 cannot occur. A vertebrate animal population, such as those listed as distinct population segments under under the U.S. Endangered Species Act, may be considered an infraspecific taxon and assigned a T-rank; in such cases a Q is used after the T-rank to denote the taxon's informal taxonomic status. At this time, the T rank is not used for ecological communities.
Variant Ranks	
G#G# or S#S#	Range Rank—A numeric range rank (e.g., G2G3 or S2S3) is used to indicate the range of uncertainty in the status of a species or community. Ranges cannot skip more than one rank (e.g., GU should be used rather than G1G4).
GU	Unrankable—-Currently unrankable due to lack of information or due to substantially conflicting information about status or trends. Whenever possible, the most likely rank is assigned and the question mark qualifier is added (e.g., G2?) to express uncertainty, or a range rank (e.g., G2G3) is used to delineate the limits (range) of uncertainty.
GNR	Unranked—Global rank not yet assessed.
Not Provided	Species is known to occur in this nation or state/province. Contact the relevant natural heritage program for assigned conservation status.
Breeding Status Qualifiers	
B	Breeding—Conservation status refers to the breeding population of the species in the nation or state/province.
N	Nonbreeding—Conservation status refers to the non-breeding population of the species in the nation or state/province.

Attachment 2

Standard Generation Interconnection Agreement

GENERATION INTERCONNECTION AGREEMENT

Between

WIND ENERGY TRANSMISSION TEXAS, LLC

and

ENGIE LONG DRAW SOLAR, LLC

August 16, 2018

TABLE OF CONTENTS

GENERATION INTERCONNECTION AGREEMENT

This Generation Interconnection Agreement ("Agreement") is made and entered into this 16th day of August, 2018 (the "Effective Date") between Wind Energy Transmission Texas, LLC ("Transmission Service Provider") and ENGIE Long Draw Solar, LLC ("Generator"), hereinafter individually referred to as "Party," and collectively referred to as "Parties." In consideration of the mutual covenants and agreements herein contained, the Parties hereto agree as follows:

Transmission Service Provider represents that it is a public utility that owns and operates facilities for the transmission and distribution of electricity. Generator represents that it will own and operate the Plant. Pursuant to the terms and conditions of this Agreement, Transmission Service Provider shall interconnect Generator's Plant with Transmission Service Provider's System consistent with the Facilities Study Agreement executed between the Parties as of May 2, 2017, as amended.

This Agreement applies only to the Plant and the Parties' interconnection facilities as identified in Exhibit "C".

This Agreement shall become effective on the Effective Date, subject to Governmental Authority approval, if required, and shall continue in full force and effect until terminated in accordance with Exhibit "A".

This Agreement will be subject to the following, all of which are incorporated herein:

A. The "Terms and Conditions of the Generation Interconnection Agreement" attached hereto as Exhibit "A";
B. The ERCOT Requirements (unless expressly stated herein, where the ERCOT Requirements are in conflict with this Agreement, the ERCOT Requirements shall prevail);
C. The PUCT Rules (where the PUCT Rules are in conflict with this Agreement, the PUCT Rules shall prevail);
D. The Time Schedule attached hereto as Exhibit "B";
E. The Interconnection Details attached hereto as Exhibit "C";
F. The notice requirements attached hereto as Exhibit "D"; and
G. The Security Arrangement Details attached hereto as Exhibit "E".

IN WITNESS WHEREOF, the Parties have executed this Agreement to be effective as of the Effective Date in duplicate originals, each of which shall constitute and be an original effective Agreement between the Parties.

TRANSMISSION SERVICE PROVIDER:

WIND ENERGY TRANSMISSION TEXAS, LLC

By: _____
L. Wayne Morton, CEO

Date: August 17, 2018

GENERATOR:

ENGIE LONG DRAW SOLAR, LLC

By: _____

Name: _____

Title: CEO

Date: 8/15/18

Exhibit "A"
Terms and Conditions of the Generation Interconnection Agreement

ARTICLE 1. DEFINITIONS

Capitalized terms shall have the meanings as set forth below, except as otherwise specified in the Agreement:

1.1 "Affiliate" shall mean any person or entity that controls, is controlled by, or is under common control with the Party in question. For purposes of this definition, control shall mean direct or indirect ownership or control of a majority of the voting interests of an entity.

1.2 "Applicable Laws and Regulations" shall mean all applicable federal, state, and local laws, ordinances, rules, and regulations, and all duly promulgated orders and other duly authorized actions of any Governmental Authority having jurisdiction over the Parties and/or their respective facilities. Notwithstanding the foregoing, each Party shall have the right at its sole expense to contest the application of any Applicable Laws and Regulations to such Party before the appropriate authorities.

1.3 "CCN" shall mean a Certificate of Convenience and Necessity issued by the PUCT.

1.4 "Commercial Operation" shall mean the date on which Generator declares that the construction of the Plant has been substantially completed, Trial Operation of the Plant has been completed, and the Plant is ready for dispatch.

1.5 "Control Area" shall have the meaning ascribed thereto in Chapter 25 of the PUCT Rules or its successor.

1.6 "ERCOT" shall mean the Electric Reliability Council of Texas, Inc.

1.7 "ERCOT Requirements" means the ERCOT Operating Guides, ISO Generation Interconnection Procedures as well as any other documents adopted by the ISO or ERCOT relating to the interconnection and operation of generators and transmission systems in ERCOT as amended from time to time, and any successors thereto. Any requirement in the foregoing documents imposed upon generation entities or generation facilities shall become the responsibility of the Generator, and any requirements imposed on transmission providers or transmission facilities shall become the responsibility of the TSP.

1.8 "Facilities Study" shall have the meaning as described in Chapter 25 of the PUCT Rules or its successor.

1.9 "Facilities Study Agreement" shall mean an agreement executed by the Parties relating to the performance of the Facilities Study.

1.10 "FERC" shall mean the Federal Energy Regulatory Commission, or any successor thereto.

1.11 "GIF" shall mean Generator's interconnection facilities as described in Exhibit "C."

1.12 "Good Utility Practice" shall have the meaning described in Chapter 25 of the PUCT Rules or its successor.

1.13 "Governmental Authority(ies)" shall mean any federal, state, local or municipal body having jurisdiction over a Party.

1.14 "In-Service Date" shall be the date, as reflected in Exhibit "B," that the TIF will be ready to connect to the GIF.

1.15 "ISO" shall mean the ERCOT Independent System Operator.

1.16 "Plant" shall mean the electric generation facility owned and operated by the Generator, as specified in Exhibit "C."

1.17 "Point of Interconnection" shall mean the location(s) where the GIF connects to the TIF as negotiated and defined by the Parties and as shown on Exhibit "C" of this Agreement.

1.18 "PUCT" shall mean the Public Utility Commission of Texas.

1.19 "PUCT Rules" shall mean the Substantive Rules of the PUCT.

1.20 "Reasonable Efforts" shall mean the use of Good Utility Practice and the exercise of due diligence.

1.21 "System Protection Equipment" shall mean those facilities located within the TIF and the GIF as described in Section 5.6 and Exhibit "C."

1.22 "System Security Study" shall have the meaning as described in Chapter 25 of the PUCT Rules or its successor.

1.23 "TCOS" shall mean the TSP's transmission cost of service as allowed by the applicable Governmental Authority.

1.24 "TIF" shall mean the TSP's interconnection facilities as described in Exhibit "C" to this Agreement.

1.25 "Trial Operation" shall mean the process by which the Generator is engaged in on-site test operations and commissioning of the Plant prior to Commercial Operation.

1.26 "TSP" shall mean the Transmission Service Provider.

1.27 "TSP System" shall mean the electric transmission facilities, including the TIF, and all associated equipment and facilities owned and/or operated by the TSP.

ARTICLE 2. TERMINATION

2.1 Termination Procedures. This Agreement may be terminated as follows:

A. the Generator may terminate this Agreement after giving the TSP thirty (30) days advance written notice; or

B. the TSP may terminate this Agreement (subject to Governmental Authority approval, if required) on written notice to the Generator if the Generator's Plant has not achieved Commercial Operation within one year after the Scheduled Commercial Operation Date reflected in Exhibit "B"; or

C. either Party may terminate this Agreement in accordance with Section 10.6.

2.2 Termination Costs. If a Party elects to terminate the Agreement pursuant to Section 2.1 above, the Generator shall pay all costs incurred (or committed to be incurred) by TSP, as of the date of the other Party's receipt of such notice of termination, that are the responsibility of the Generator under this Agreement. In the event of termination by either Party, both Parties shall use commercially reasonable efforts to mitigate the damages and charges that they may incur as a consequence of termination. The provisions of the Sections 2.2 and 2.3 shall survive termination of the Agreement.

2.3 Disconnection. Upon termination of this Agreement, the Parties will disconnect the GIF from the TIF in accordance with Good Utility Practice and all Applicable Laws and Regulations.

ARTICLE 3. REGULATORY FILINGS

3.1 Filing. The TSP shall file this executed Agreement with the appropriate Governmental Authority, if required. The Parties agree to assist one another and use all reasonable efforts in obtaining applicable approvals or making such filings as promptly as practicable. Any portions of this Agreement asserted by Generator to contain competitively sensitive commercial or financial information shall be filed by the TSP identified as "confidential" under seal stating, for the TSP's showing of good cause, that Generator asserts such information is confidential information and has requested such filing under seal. If requested by the TSP, Generator shall provide the TSP, in writing, with the Generator's basis for asserting that the information referred to in this Section 3.1 is competitively sensitive information, and the TSP may disclose such writing to the appropriate Governmental Authority.

3.2 Regulatory Approvals. Unless exempt, the TSP shall timely request ISO and all regulatory approvals necessary for it to carry out its responsibilities under this Agreement. Such approvals shall include any CCN required for the construction of the TIF.

ARTICLE 4. INTERCONNECTION FACILITIES ENGINEERING, PROCUREMENT, AND CONSTRUCTION

4.1 Options. The Generator shall select one of the following options (subsection A or subsection B) and include the selected option in Exhibit "B" for completion of the TIF:

A. The TSP shall design, procure, and construct the TIF, using Reasonable Efforts to complete the TIF by the In-Service Date reflected in Exhibit "B." The TSP will utilize its own resources and will contract for additional resources, as reasonably necessary, to meet the In-Service Date. Such resources shall include, as the TSP believes is reasonable, use of other contractors, other equipment suppliers, other material suppliers, additional contract personnel, additional payments to contractors for expedited work, and premiums paid to equipment and material suppliers for expedited delivery. The TSP shall not be required to undertake any initiative which is inconsistent with its standard safety practices, its material and equipment specifications, its design criteria and construction procedures, its labor agreements, Applicable Laws and Regulations, or ERCOT Requirements. In the event the TSP reasonably expects that it will not be able to complete the TIF by the In-Service Date, the TSP will promptly provide written notice to the Generator and will undertake Reasonable Efforts to meet the earliest date thereafter.

B. (i) The TSP shall design, procure, and construct the TIF by the In-Service Date reflected in Exhibit "B." The Parties acknowledge that the In-Service Date was either agreed upon through good faith negotiations or designated by the Generator upon failure of the Parties to agree. In the process of negotiating the In-Service Date, Generator will request a date upon which it reasonably expects it will be ready to begin use of the TIF and upon which it reasonably expects to begin doing so. Any date designated by the Generator shall in no event be less than fifteen months from the date that all conditions of Sections 4.2 and 4.3 have been satisfied. The designated In-Service Date will be extended day for day for each day that the ISO refuses to grant clearances to install equipment. If the TSP fails to complete the TIF by the In-Service Date reflected in Exhibit "B," the TSP shall pay the Generator liquidated damages in accordance with this Section 4.1.B.

(ii) The Parties agree that actual damages to the Generator, in the event the TIF are not completed by the In-Service Date, may include Generator's fixed operation and maintenance costs and lost opportunity costs. Such actual damages are uncertain and impossible to determine at this time. The Parties agree that, because of such uncertainty, any liquidated damages paid by the TSP to the Generator shall be an amount equal to ½ of 1% of the actual cost of the TIF, per day. However, in no event shall the total liquidated damages exceed 20% of the actual cost of the TIF. The Parties agree that such liquidated damages are less than the Generator's actual damages. The Parties agree that the foregoing payments will be made by the TSP to the Generator as just compensation for the damages caused to the Generator, which actual damages are uncertain and impossible to determine at this time, and as reasonable liquidated damages, but not as a penalty or a method to secure performance of this Agreement.

(iii) The TSP shall apply to have the full costs of the TIF included in TCOS. If the PUCT issues a final, appealable order excluding from TCOS any portion of the TIF costs, including higher contractor and vendor costs due to liquidated damage provisions in those contracts and insurance costs to cover liquidated damages, which costs may have been reasonably incurred but which the PUCT finds should not be recovered through TCOS, the

Generator shall reimburse the TSP for such costs in an amount not to exceed the difference between the TSP's estimate of the cost of the TIF under section 4.1.A and the TSP's estimate of the cost of the TIF under Section 4.1.B as reflected in Exhibit "C." Such costs shall be estimated using Good Utility Practice.

(iv) No liquidated damages shall be paid to Generator if the Generator is not ready to commence use of the TIF for the delivery of power to the Plant for Trial Operation or export of power from the Plant on the In-Service Date, unless the Generator would have been able to commence use of the TIF for the delivery of power to the Plant for Trial Operation or export of power from the Plant but for TSP's delay.

(v) If the In-Service Date has been designated by the Generator upon a failure of the Parties to agree on the In-Service Date, the TSP may, at its option, require the Generator to subcontract with the TSP for all or part of the design, procurement and construction of the TIF in accordance with the TSP's standard subcontractor agreements. In such event, the TSP shall be subject to the payment of liquidated damages to the Generator only if the In-Service Date is not met solely due to the TSP's failure to complete the portion of the TIF for which the TSP has retained responsibility. It is the intent of this subsection to give the TSP full control of the contents and quality of the TIF. To the extent the Generator acts as a subcontractor to the TSP, the following will apply: 1) The Generator shall engineer, procure equipment, and construct the TIF (or portions thereof) using Good Utility Practice and using standards and specifications provided in advance by the TSP; 2) In its engineering, procurement and construction of the TIF, the Generator shall comply with all requirements of law to which the TSP would be subject in the engineering, procurement or construction of the TIF; 3) The TSP shall review and approve the engineering design, acceptance tests of equipment, and the construction of the TIF; 4) The TSP shall have the right to approve and accept for operation the TIF in accordance with the standards and specifications provided in advance by the TSP, such approval and acceptance shall not be unreasonably withheld, conditioned, or delayed; 5) Should any phase of the engineering, equipment procurement, or construction of the TIF, including selection of subcontractors, not meet the standards and specifications provided by the TSP, and therefore be deemed unacceptable, then the Generator shall be obligated to remedy that portion of the TIF or selection of subcontractors that is deemed unacceptable, the TSP's approval of the Generator's selection of subcontractors will not be unreasonably withheld, conditioned or delayed; and 6) Once the TIF is accepted for operation by the TSP, then the TSP shall reimburse the Generator for the reasonable and necessary costs incurred by the Generator to complete the TIF, not to exceed the amount specified in the subcontract. Such reimbursement shall be made within thirty days after receipt of the invoice, unless otherwise agreed to by the Parties.

4.1.0. Additional Notices to Proceed and Security. In addition to the conditions and the Parties' obligations under Section 4.2 and Section 4.3, the TSP's obligations under this Agreement are made expressly subject to the Generator providing the written authorizations and security in the manner and amounts required under Attachment 1 to Exhibit "B."

4.2 Equipment Procurement. If responsibility for construction of the TIF is borne by the TSP, then the TSP shall commence design of the TIF and procure necessary equipment within a reasonable time after all of the following conditions are satisfied:

A. The TSP has completed the Facilities Study pursuant to the Facilities Study Agreement;

B. The TSP has received written authorization to proceed with design and procurement from the Generator by the date specified in Exhibit "B"; and

C. The Generator has provided security to the TSP in accordance with Section 8.3 by the dates specified in Exhibit "B."

4.3 Construction Commencement. The TSP shall commence construction of the TIF as soon as practicable after the following additional conditions are satisfied:

A. Approval of the appropriate Governmental Authority has been obtained for any facilities requiring regulatory approval;

B. Necessary real property rights, if any, have been obtained;

C. The TSP has received written authorization to proceed with construction from the Generator by the date specified in Exhibit "B"; and

D. The Generator has provided security to the TSP in accordance with Section 8.3 by the dates specified in Exhibit "B."

4.4 Work Progress. The Parties will keep each other advised periodically as to the progress of their respective design, procurement and construction efforts. If, at any time, the Generator becomes aware that the completion of the TIF will not be required until after the specified In-Service Date, the Generator will promptly provide written notice to the TSP of a new, later In-Service Date. Generator will similarly provide written notice of any anticipated delays with respect to Generator providing the required notices to proceed and corresponding security as set forth in Attachment 1 to Exhibit "B."

4.5 Conditions Precedent Delay. To the extent this Agreement incorporates a specified In-Service Date and the Generator fails to satisfy conditions precedent under Sections 4.2 and 4.3 so that the TSP may meet the In-Service Date, the Parties will negotiate in good faith to establish a new schedule for completion of the TIF, and the In-Service Date and the Scheduled Commercial Operation Date identified in Exhibit "B" shall be extended accordingly.

ARTICLE 5. FACILITIES AND EQUIPMENT

5.1 Information Exchange. The Parties shall exchange information and mutually agree upon the design and compatibility of the Parties' interconnection facilities. The Parties shall work diligently and in good faith to make any necessary design changes to ensure compatibility of the GIF to the TSP System.

5.2 GIF Construction. Generator agrees to cause the GIF to be designed and constructed in accordance with Good Utility Practice, ERCOT Requirements and the National Electrical Safety Code in effect at the time of construction. Within one-hundred and twenty (120) days after Commercial Operation, unless the Parties agree on another mutually acceptable deadline, the Generator shall deliver to the TSP the following "as-built" drawings, information and documents for the GIF: a one-line diagram, a site plan showing the Plant and the GIF, plan and elevation drawings showing the layout of the GIF, a relay functional diagram, relaying AC and DC schematic wiring diagrams and relay settings for all facilities associated with the Generator's main-power transformers, the facilities connecting the Plant to the main power transformers and the GIF, the impedances (determined by factory tests) for the associated main power transformers and the generators, and the impedance of any transmission voltage lines that are part of the GIF.

5.3 TIF Construction. The TSP agrees to cause the TIF to be designed and constructed in accordance with Good Utility Practice, ERCOT Requirements and the National Electrical Safety Code in effect at the time of construction.

5.4 Equipment Changes. For facilities not described in Exhibit "C," if either Party makes equipment changes to the Plant, the GIF, the TIF or the TSP System which it knows will affect the operation or performance of the other Party's interconnection facilities, the Parties agree to notify the other Party, in writing, of such changes. Such changes shall be made in accordance with ERCOT Requirements and coordinated between the Parties.

5.5 Metering, Telemetry and Communications Requirements.

A. Metering and telemetry of data will be accomplished in accordance with ERCOT Requirements. The specific metering, telemetry and communications equipment to be installed and data to be telemetered are described in Exhibit "C."

B. At the Point of Interconnection, the metering and telemetry equipment shall be owned by the TSP. However, the TSP shall provide the Generator with metering and telemetry values in accordance with ERCOT Requirements.

C. A minimum set of inputs to the telemetry equipment are specified in Exhibit "C." Additional sets of inputs may be subsequently mutually agreed upon.

D. The TSP will notify the Generator at least five (5) working days in advance of any planned maintenance, inspection, testing, or calibration of the metering equipment, unless otherwise agreed to in writing. The Generator, or its designated representative, shall have the right to be present for these activities and to receive copies of any documents related to the procedures and results.

E. Prior to the connection of the GIF to the TIF, acceptance tests will be performed by the owning Party to ensure the proper functioning of all metering, telemetry and communications equipment associated with the Point of Interconnection and both Parties' interconnection facilities, and to verify the accuracy of data being received by the TSP, the

Control Area(s) in which the Plant and the TSP are located and the Generator. All acceptance tests will be performed consistent with ERCOT Requirements.

F. The TSP shall, in accordance with Good Utility Practice and ERCOT Requirements, specify communications facilities, including those necessary to transmit data from the metering equipment to the TSP, that are necessary for the effective operation of the Plant and the GIF with the TSP System. Such communication facilities shall be included in Exhibit "C." The Generator shall make arrangements to procure and bear the cost of such facilities.

G. Any changes to the meters, telemetry equipment, voltage transformers, current transformers, and associated panels, hardware, conduit and cable, which will affect the data being received by the other Party must be mutually agreed to by the Parties.

H. Each Party will promptly advise the other Party if it detects or otherwise learns of any metering, telemetry or communications equipment errors or malfunctions that require the attention and/or correction by the other Party. The Party owning such equipment shall correct such error or malfunction as soon as reasonably feasible in accordance with ERCOT Requirements. If a meter is found to be not in compliance with the accuracy standards required by ERCOT Requirements, readings for the prior six (6) months, or from the time the meter was in service since last tested, but not exceeding six (6) months, shall be corrected, and adjusted bills shall be rendered.

5.6 System Protection and Other Controls Requirements.

A. Each Party's facilities shall be designed to isolate any fault, or to correct or isolate any abnormality, that would negatively affect the other Party's system or other entities connected to the TSP System.

B. The Generator shall be responsible for protection of its facilities consistent with ERCOT Requirements and Good Utility Practice.

C. Each Party's protective relay design shall incorporate the necessary test switches to perform the tests required in Section 5.6.F. The required test switches will be placed such that they allow operation of lockout relays while preventing breaker failure schemes from operating and causing unnecessary breaker operations and tripping the Generator's units.

D. Recording equipment shall be installed to analyze all system disturbances in accordance with ERCOT Requirements.

E. Each Party will test, operate and maintain System Protection Equipment in accordance with ERCOT Requirements. Each Party will provide reasonable notice to the other Party of any testing of its System Protection Equipment allowing such other Party the opportunity to have representatives present during testing of its System Protection Equipment.

F. Prior to the In-Service Date, and again prior to Commercial Operation, each Party or its agent shall perform a complete calibration test and functional trip test of the System

Protection Equipment. At intervals suggested by Good Utility Practice or at intervals described in the ERCOT Requirements if so defined therein, and following any apparent malfunction of the System Protection Equipment, each Party shall perform both calibration and functional trip tests of its System Protection Equipment. These tests do not require the tripping of any in-service generation unit. These tests do, however, require that all protective relays and lockout contacts be activated.

5.7 No Annexation. Any and all equipment placed on the premises of a Party shall be and remain the property of the Party providing such equipment regardless of the mode and manner of annexation or attachment to real property, unless otherwise mutually agreed by the Parties.

ARTICLE 6. OPERATION AND MAINTENANCE

6.1 Operation and Maintenance of Interconnection Facilities. The Parties agree to operate and maintain their systems in accordance with Good Utility Practice, National Electrical Safety Code, the ERCOT Requirements, PUCT Rules and all Applicable Laws and Regulations. Subject to any necessary ISO approval, each Party shall provide necessary equipment outages to allow the other Party to perform periodic maintenance, repair or replacement of its facilities. Such outages shall be scheduled at mutually agreeable times, unless conditions exist which a Party believes, in accordance with Good Utility Practice, may endanger persons or property. Each Party shall use commercially reasonable efforts to minimize the frequency and duration of any outages. No changes will be made in the normal operation of the Point of Interconnection without the mutual agreement of the Parties except as otherwise provided herein. All testing of the Plant that affects the operation of the Point of Interconnection shall be coordinated between the TSP, the Control Area(s) in which the Plant and the TSP are located, the Generator, and ERCOT and will be conducted in accordance with ERCOT Requirements.

6.2 Control Area Notification. At least six months before Trial Operation, the Generator shall notify the TSP in writing of the Control Area in which it will be located. If the Generator elects to be located in a Control Area other than the Control Area in which the TSP is located, all necessary agreements, including but not limited to remote control area generator interchange agreements, if applicable, and appropriate measures under such agreements, shall be executed and implemented prior to the placement of the Plant in the other Control Area. The Parties will diligently cooperate with one another to enable such agreements to be executed and implemented on a schedule necessary to meet the Trial Operation date specified in Exhibit "B."

6.3 Land Rights and Easements. Terms and conditions addressing the rights of the TSP and the Generator regarding any facilities located on the other Party's property shall be addressed in a separate, duly executed and recorded easement agreement between the Parties. Prior to Commercial Operation, the Parties will mutually agree upon procedures to govern access to each other's property as necessary for the Parties to fulfill their obligations hereunder.

6.4 Service Interruption. The Parties recognize that the interruption of service provisions of the PUCT Rules give TSP the right to disconnect the TSP System from the Plant under the conditions specified therein. The Generator will promptly disconnect the Plant from the TSP System when required by and in accordance with the PUCT Rules and ERCOT Requirements.

6.5 Switching and Clearance.

A. Any switching or clearances needed on the TIF or the GIF will be done in accordance with ERCOT Requirements.

B. Any switching and clearance procedure necessary to comply with Good Utility Practice or ERCOT Requirements that may have specific application to the Plant shall be addressed in Exhibit "C."

6.6 Start-Up and Synchronization. Consistent with ERCOT Requirements and the Parties' mutually acceptable procedure, the Generator is responsible for the proper synchronization of the Plant to the TSP System.

6.7 Routine Operational Communications. On a timely basis, the Parties shall exchange all information necessary to comply with ERCOT Requirements and shall otherwise reasonably cooperate with each other.

6.8 Blackstart Operations. If the Plant is capable of blackstart operations, Generator will coordinate individual Plant start-up procedures consistent with ERCOT Requirements. Any blackstart operations shall be conducted in accordance with the blackstart criteria included in the ERCOT Requirements and the TSP Blackstart Plan on file with the ISO. Notwithstanding this section, the Generator is not required to have blackstart capability by virtue of this Agreement. If the Generator will have blackstart capability, then Generator shall provide and maintain an emergency communication system that will interface with the TSP during a blackstart condition.

6.9 Power System Stabilizers. The Generator shall procure, install, maintain and operate power system stabilizers if required to meet ERCOT Requirements and as described in Exhibit "C."

ARTICLE 7. DATA REQUIREMENTS

7.1 Data Acquisition. The acquisition of data to realistically simulate the electrical behavior of system components is a fundamental requirement for the development of a reliable interconnected transmission system. Therefore, the TSP and the Generator shall be required to submit specific information regarding the electrical characteristics of their respective facilities to each other as described below in accordance with ERCOT Requirements.

7.2 Initial Data Submission by TSP. The initial data submission by the TSP shall occur no later than 120 days prior to Trial Operation and shall include transmission system data necessary to allow the Generator to select equipment and meet any system protection and stability requirements.

7.3 Initial Data Submission by Generator. The initial data submission by the Generator, including manufacturer data, shall occur no later than 90 days prior to the Trial Operation and shall include a completed copy of the following forms contained in the ISO's Generation

Interconnection Procedure: (1) Plant Description/Data and (2) Generation Stability Data. It shall also include any additional data provided to the ISO for the System Security Study. Data in the initial submissions shall be the most current Plant design or expected performance data. Data submitted for stability models shall be compatible with the ISO standard models. If there is no compatible model, the Generator will work with an ISO designated consultant to develop and supply a standard model and associated data.

7.4 Data Supplementation. Prior to Commercial Operation, the Parties shall supplement their initial data submissions with any and all "as-built" Plant data or "as-tested" performance data which differs from the initial submissions or, alternatively, written confirmation that no such differences exist. Subsequent to Commercial Operation, the Generator shall provide the TSP any data changes due to equipment replacement, repair, or adjustment. The TSP shall provide the Generator any data changes due to equipment replacement, repair, or adjustment in the directly connected substation or any adjacent TSP-owned substation that may affect the GIF equipment ratings, protection or operating requirements. The Parties shall provide such data no later than 30 days after the date of the actual change in equipment characteristics. Also, the Parties shall provide to each other a copy of any additional data later required by the ISO concerning these facilities.

7.5 Data Exchange. Each Party shall furnish to the other Party real-time and forecasted data as required by ERCOT Requirements. The Parties will cooperate with one another in the analysis of disturbances to either the Plant or the TSP's System by gathering and providing access to any information relating to any disturbance, including information from oscillography, protective relay targets, breaker operations and sequence of events records.

ARTICLE 8. PERFORMANCE OBLIGATION

8.1 Generator's Cost Responsibility. The Generator will acquire, construct, operate, test, maintain and own the Plant and the GIF at its sole expense. In addition, the Generator may be required to make a contribution in aid of construction in the amount set out in and for the facilities described in Exhibit "C," if any, in accordance with PUCT Rules.

8.2 TSP's Cost Responsibility. The TSP will acquire, own, operate, test, and maintain the TIF at its sole expense, subject to the provisions of Section 4.1.B and the contribution in aid of construction provisions of Section 8.1 of this Agreement.

8.3 Financial Security Arrangements. The TSP requires the Generator to pay a reasonable deposit or provide another means of security, to cover the costs of applying for and obtaining any applicable CCN, acquiring rights in applicable real property, planning, licensing, procuring equipment and materials, and constructing the TIF. The required security arrangements shall be specified in Exhibit "E." Within five business days after the Plant achieves Commercial Operation, the TSP shall return the deposit or security to the Generator. However, the TSP may retain an amount to cover the incremental difference between the TSP's actual out of pocket costs associated with the choice of Section 4.1.B over Section 4.1.A, pending a final PUCT Order as contemplated in Section 4.1.B(iii). If the Plant has not achieved Commercial Operation within one year after the Scheduled Commercial Operation Date identified in Exhibit "B" or if

the Generator terminates this Agreement in accordance with Section 2.1 and the TIF are not required, the TSP may, subject to the provisions of Section 2.2, retain as much of the deposit or security as is required to cover the costs it incurred in applying for and obtaining any applicable CCN, acquiring rights in applicable real property, planning, licensing, procuring equipment and materials, and constructing the TIF. If a cash deposit is made pursuant to Exhibit "E," any repayment of such cash deposit shall include interest at a rate applicable to customer deposits as established from time to time by the PUCT or other Governmental Authority.

ARTICLE 9. INSURANCE

9.1 Each Party shall, at its own expense, maintain in force throughout the period of this Agreement and until released by the other Party the following minimum insurance coverages, with insurers authorized to do business in Texas:

A. Employer's Liability and Worker's Compensation Insurance providing statutory benefits in accordance with the laws and regulations of the State of Texas. The minimum limits for the Employer's Liability insurance shall be One Million Dollars ($1,000,000) each accident bodily injury by accident, One Million Dollars ($1,000,000) each employee bodily injury by disease, and One Million Dollars ($1,000,000) policy limit bodily injury by disease.

B. Commercial General Liability Insurance including premises and operations, personal injury, broad form property damage, broad form blanket contractual liability coverage (including coverage for the contractual indemnification) products and completed operations coverage, coverage for explosion, collapse and underground hazards, independent contractors coverage, coverage for pollution to the extent normally available and punitive damages to the extent normally available and a cross liability endorsement, with minimum limits of One Million Dollars ($1,000,000) per occurrence/One Million Dollars ($1,000,000) aggregate combined single limit for personal injury, bodily injury, including death and property damage.

C. Comprehensive Automobile Liability Insurance for coverage of owned, non-owned and hired vehicles, trailers or semi-trailers designed for travel on public roads, with a minimum combined single limit of One Million Dollars ($1,000,000) per occurrence for bodily injury, including death, and property damage.

D. Excess Public Liability Insurance over and above the Employer's Liability, Commercial General Liability and Comprehensive Automobile Liability Insurance coverage, with a minimum combined single limit of Twenty Million Dollars ($20,000,000) per occurrence/Twenty Million Dollars ($20,000,000) aggregate.

E. The Commercial General Liability Insurance, Comprehensive Automobile Liability Insurance, and Excess Public Liability Insurance policies shall name the other Party, its parent, associated and affiliated companies and their respective directors, officers, agents, servants and employees ("Other Party Group") as additional insured by attachment of endorsement CG 20 10 11 – 85 (or as otherwise agreed by TSP and Generator). All policies shall (i) contain provisions whereby the insurers waive all rights of subrogation in accordance with the provisions of this Agreement against the Other Party Group, (ii) require each Party to

provide written notice of cancellation to Other Party Group within five (5) business days of the earlier to occur of such Party's knowledge of pending cancellation or receipt of notice of cancellation, and (iii) provide written notice to Other Party Group of any material change in coverage or condition in accordance with the policy provisions.

F. The Commercial General Liability Insurance, Comprehensive Automobile Liability Insurance and Excess Public Liability Insurance policies shall contain provisions that specify that the policies are primary and shall apply to such extent without consideration for other policies separately carried and shall state that each insured is provided coverage as though a separate policy had been issued to each, except the insurer's liability shall not be increased beyond the amount for which the insurer would have been liable had only one insured been covered. Each Party shall be responsible for its respective deductibles or retentions.

G. The Commercial General Liability Insurance, Comprehensive Automobile Liability Insurance and Excess Public Liability Insurance policies, if written on a Claims First Made basis, shall be maintained in full force and effect for two (2) years after termination of this Agreement, which coverage may be in the form of tail coverage or extended reporting period coverage if agreed by the Parties.

H. The requirements contained herein as to the types and limits of all insurance to be maintained by the Parties are not intended to and shall not in any manner, limit or qualify the liabilities and obligations assumed by the Parties under this Agreement.

I. Within ten (10) days following execution of this Agreement, and as soon as practicable after the end of each fiscal year or at the renewal of the insurance policy and in any event within ninety (90) days thereafter, each Party shall provide certification of all insurance required in this Agreement, executed by each insurer or by an authorized representative of each insurer.

J. Notwithstanding the foregoing, each Party may self-insure to the extent it maintains a self-insurance program; provided that, such Party's senior secured debt is rated at investment grade, or better, by Standard & Poor's. For any period of time that a Party's senior secured debt is unrated by Standard & Poor's or is rated at less than investment grade by Standard & Poor's, such Party shall comply with the insurance requirements applicable to it under Sections 9.1.A through 9.1.I. In the event that a Party is permitted to self-insure pursuant to this Section 9.1.J, it shall not be required to comply with the insurance requirements applicable to it under Sections 9.1.A through 9.1.I.

K. The Parties agree to report to each other in writing as soon as practical all accidents or occurrences resulting in injuries to any person, including death, and any property damage arising out of this Agreement.

ARTICLE 10. MISCELLANEOUS

10.1 Governing Law and Applicable Tariffs.

A. This Agreement for all purposes shall be construed in accordance with and governed by the laws of the State of Texas, excluding conflicts of law principles that would refer to the laws of another jurisdiction. The Parties submit to the jurisdiction of the federal and state courts in the State of Texas.

B. This Agreement is subject to all valid, applicable rules, regulations and orders of, and tariffs approved by, duly constituted Governmental Authorities.

C. Each Party expressly reserves the right to seek changes in, appeal, or otherwise contest any laws, orders, rules, or regulations of a Governmental Authority.

10.2 No Other Services. This Agreement is applicable only to the interconnection of the Plant to the TSP System at the Point of Interconnection and does not obligate either Party to provide, or entitle either Party to receive, any service not expressly provided for herein. Each Party is responsible for making the arrangements necessary for it to receive any other service that it may desire from the other Party or any third party. This Agreement does not address the sale or purchase of any electric energy, transmission service or ancillary services by either Party, either before or after Commercial Operation.

10.3 Entire Agreement. This Agreement, including all Exhibits, Attachments and Schedules attached hereto, constitutes the entire agreement between the Parties with reference to the subject matter hereof, and supersedes all prior and contemporaneous understandings or agreements, oral or written, between the Parties with respect to the subject matter of this Agreement. There are no other agreements, representations, warranties, or covenants which constitute any part of the consideration for, or any condition to, either Party's compliance with its obligations under this Agreement. Notwithstanding the other provisions of this Section, the Facilities Study Agreement, if any, is unaffected by this Agreement.

10.4 Notices. Except as otherwise provided in Exhibit "D," any formal notice, demand or request provided for in this Agreement shall be in writing and shall be deemed properly served, given or made if delivered in person, or sent by either registered or certified mail, postage prepaid and return receipt requested, overnight mail or fax to the address or number identified on Exhibit "D" attached to this Agreement. Either Party may change the notice information on Exhibit "D" by giving five business days written notice prior to the effective date of the change.

10.5 Force Majeure.

A. The term "Force Majeure" as used herein shall mean any cause beyond the reasonable control of the Party claiming Force Majeure, and without the fault or negligence of such Party, which materially prevents or impairs the performance of such Party's obligations hereunder, including but not limited to, storm, flood, lightning, earthquake, fire, explosion, failure or imminent threat of failure of facilities, civil disturbance, strike or other labor disturbance, sabotage, war, national emergency, or restraint by any Governmental Authority.

B. Neither Party shall be considered to be in Default (as hereinafter defined) with respect to any obligation hereunder (including obligations under Article 4), other than the

obligation to pay money when due, if prevented from fulfilling such obligation by Force Majeure. A Party unable to fulfill any obligation hereunder (other than an obligation to pay money when due) by reason of Force Majeure shall give notice and the full particulars of such Force Majeure to the other Party in writing or by telephone as soon as reasonably possible after the occurrence of the cause relied upon. Telephone notices given pursuant to this Section shall be confirmed in writing as soon as reasonably possible and shall specifically state full particulars of the Force Majeure, the time and date when the Force Majeure occurred and when the Force Majeure is reasonably expected to cease. The Party affected shall exercise due diligence to remove such disability with reasonable dispatch, but shall not be required to accede or agree to any provision not satisfactory to it in order to settle and terminate a strike or other labor disturbance.

10.6 Default

A. The term "Default" shall mean the failure of either Party to perform any obligation in the time or manner provided in this Agreement. No Default shall exist where such failure to discharge an obligation (other than the payment of money) is the result of Force Majeure as defined in this Agreement or the result of an act or omission of the other Party. Upon a Default, the non-defaulting Party shall give written notice of such Default to the defaulting Party. Except as provided in Section 10.6.B, the defaulting Party shall have thirty (30) days from receipt of the Default notice within which to cure such Default; provided however, if such Default is not capable of cure within 30 days, the defaulting Party shall commence such cure within 30 days after notice and continuously and diligently complete such cure within 90 days from receipt of the Default notice; and, if cured within such time, the Default specified in such notice shall cease to exist.

B. If a Default is not cured as provided in this Section, or if a Default is not capable of being cured within the period provided for herein, the non-defaulting Party shall have the right to terminate this Agreement by written notice at any time until cure occurs, and be relieved of any further obligation hereunder and, whether or not that Party terminates this Agreement, to recover from the defaulting Party all amounts due hereunder, plus all other damages and remedies to which it is entitled at law or in equity. The provisions of this Section will survive termination of this Agreement.

10.7 Intrastate Operation. The operation of the Plant by Generator shall not cause there to be a synchronous or an asynchronous interconnection between ERCOT and any other transmission facilities operated outside of ERCOT unless ordered by FERC under Section 210 of the Federal Power Act. The Parties recognize and agree that any such interconnection will constitute an adverse condition giving the TSP the right to immediately disconnect the TIF from the GIF, until such interconnection has been disconnected. The Generator will not be prohibited by this Section from interconnecting the Plant with facilities operated by the Comision Federal de Electricidad of Mexico, unless such interconnection would cause ERCOT utilities that are not "public utilities" under the Federal Power Act to become subject to the plenary jurisdiction of FERC.

10.8 No Third Party Beneficiaries. This Agreement is not intended to and does not create rights, remedies, or benefits of any character whatsoever in favor of any persons, corporations, associations, or entities other than the Parties, and the obligations herein assumed are solely for the use and benefit of the Parties, their successors in interest and, where permitted, their assigns.

10.9 No Waiver. The failure of a Party to this Agreement to insist, on any occasion, upon strict performance of any provision of this Agreement will not be considered a waiver of obligations, rights, or duties imposed upon the Parties. Termination or Default of this Agreement for any reason by the Generator shall not constitute a waiver of the Generator's legal rights to obtain an interconnection from the TSP under a new interconnection agreement.

10.10 Headings. The descriptive headings of the various articles and sections of this Agreement have been inserted for convenience of reference only and are of no significance in the interpretation or construction of this Agreement.

10.11 Multiple Counterparts. This Agreement may be executed in two or more counterparts, each of which is deemed an original but all constitute one and the same instrument.

10.12 Amendment. This Agreement may be amended only upon mutual agreement of the Parties, which amendment will not be effective until reduced to writing and executed by the Parties.

10.13 No Partnership. This Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, or partnership between the Parties or to impose any partnership obligation or liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other Party.

10.14 Further Assurances. The Parties agree to (i) furnish upon request to each other such further information, (ii) execute and deliver to each other such other documents, and (iii) do such other acts and things, all as the other Party may reasonably request for the purpose of carrying out the intent of this Agreement and the documents referred to in this Agreement. Without limiting the generality of the foregoing, the TSP shall, at the Generator's expense, when reasonably requested to do so by the Generator at any time after the execution of this Agreement, prepare and provide such information in connection with this Agreement (including, if available, resolutions, certificates, opinions of counsel or other documents relating to the TSP's corporate authorization to enter into this Agreement and to undertake the obligations set out herein) as may be reasonably required by any potential lender to the Generator under a proposed loan agreement. The TSP will use commercially reasonable efforts to obtain any opinion of counsel reasonably requested by Generator, but the TSP shall not be in Default of any obligation under this Agreement if the TSP is unable to provide an opinion of counsel that will satisfy any potential lender to the Generator. Specifically, upon the written request of one Party, the other Party shall provide the requesting Party with a letter stating whether or not, up to the date of the letter, that Party is satisfied with the performance of the requesting Party under this Agreement.

10.15 Indemnification and Liability. The indemnification and liability provisions of the PUCT Rule 25.202(b)(2) or its successor shall govern this Agreement.

10.16 Consequential Damages. OTHER THAN THE LIQUIDATED DAMAGES HERETOFORE DESCRIBED, IN NO EVENT SHALL EITHER PARTY BE LIABLE UNDER ANY PROVISION OF THIS AGREEMENT FOR ANY LOSSES, DAMAGES, COSTS OR EXPENSES FOR ANY SPECIAL, INDIRECT, INCIDENTAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES, INCLUDING BUT NOT LIMITED TO LOSS OF PROFIT OR REVENUE, LOSS OF THE USE OF EQUIPMENT, COST OF CAPITAL, COST OF TEMPORARY EQUIPMENT OR SERVICES, WHETHER BASED IN WHOLE OR IN PART IN CONTRACT, IN TORT, INCLUDING NEGLIGENCE, STRICT LIABILITY, OR ANY OTHER THEORY OF LIABILITY; PROVIDED, HOWEVER, THAT DAMAGES FOR WHICH A PARTY MAY BE LIABLE TO THE OTHER PARTY UNDER ANOTHER AGREEMENT WILL NOT BE CONSIDERED TO BE SPECIAL, INDIRECT, INCIDENTAL, OR CONSEQUENTIAL DAMAGES HEREUNDER.

10.17 Assignment. This Agreement may be assigned by either Party only with the written consent of the other; provided that either Party may assign this Agreement without the consent of the other Party to any Affiliate of the assigning Party with an equal or greater credit rating and with the legal authority and operational ability to satisfy the obligations of the assigning Party under this Agreement; and provided further that the Generator shall have the right to assign this Agreement, without the consent of the TSP, for collateral security purposes to aid in providing financing for the Plant, provided that the Generator will require any secured party, trustee or mortgagee to notify the TSP of any such assignment. Any financing arrangement entered into by the Generator pursuant to this Section will provide that prior to or upon the exercise of the secured party's, trustee's or mortgagee's assignment rights pursuant to said arrangement, the secured creditor, the trustee or mortgagee will notify the TSP of the date and particulars of any such exercise of assignment right(s). Any attempted assignment that violates this Section is void and ineffective. Any assignment under this Agreement shall not relieve a Party of its obligations, nor shall a Party's obligations be enlarged, in whole or in part, by reason thereof. Where required, consent to assignment will not be unreasonably withheld, conditioned or delayed.

10.18 Severability. If any provision in this Agreement is finally determined to be invalid, void or unenforceable by any court having jurisdiction, such determination shall not invalidate, void or make unenforceable any other provision, agreement or covenant of this Agreement; provided that if the Generator (or any third-party, but only if such third-party is not acting at the direction of the TSP) seeks and obtains such a final determination with respect to any provision of Section 4.1.B, then none of the provisions of Section 4.1.B. shall thereafter have any force or effect and the Parties' rights and obligations shall be governed solely by Section 4.1.A.

10.19 Comparability. The Parties will comply with all applicable comparability and code of conduct laws, rules and regulations, as amended from time to time.

10.20 Invoicing and Payment. Unless the Parties otherwise agree (in a manner permitted by applicable PUCT Rules and as specified in writing in an Exhibit "E" attached hereto), invoicing

and payment rights and obligations under this Agreement shall be governed by PUCT Rules or applicable Governmental Authority. Invoices shall be rendered to the paying Party at the address specified on, and payments shall be made in accordance with the requirements of, Exhibit "D."

10.21 Confidentiality.

A. Subject to the exception in Section 10.21.B, any information that a Party claims is competitively sensitive, commercial or financial information under this Agreement ("Confidential Information") shall not be disclosed by the other Party to any person not employed or retained by the other Party, except to the extent disclosure is (i) required by law; (ii) reasonably deemed by the disclosing Party to be required to be disclosed in connection with a dispute between or among the Parties, or the defense of litigation or dispute; (iii) otherwise permitted by consent of the other Party, such consent not to be unreasonably withheld; or (iv) necessary to fulfill its obligations under this Agreement or as a transmission service provider or a Control Area operator including disclosing the Confidential Information to the ISO. The Party asserting confidentiality shall notify the other Party in writing of the information it claims is confidential. Prior to any disclosures of the other Party's Confidential Information under this subsection, or if any third party or Governmental Authority makes any request or demand for any of the information described in this subsection, the disclosing Party agrees to promptly notify the other Party in writing and agrees to assert confidentiality and cooperate with the other Party in seeking to protect the Confidential Information from public disclosure by confidentiality agreement, protective order or other reasonable measures.

B. This provision shall not apply to any information that was or is hereafter in the public domain (except as a result of a breach of this provision).

Exhibit "B"
Time Schedule

Interconnection Option chosen by Generator (check one): __X__ Section 4.1.A. or ____ Section 4.1.B.

Attachment 1 to Exhibit "B" sets forth the notice to proceed and security requirements the Generator must comply with so that TSP may maintain schedule to meet the In-Service Date. The information in Attachment 1 to Exhibit "B" is based on representations made by the Generator as well as circumstances in existence as of the Effective Date. Such information is subject to change as provided in this Agreement. The Generator acknowledges and agrees that the In-Service Date, Scheduled Trial Operation Date, and Scheduled Commercial Operation Date are contingent upon the Generator timely providing notices to proceed and security amounts as required herein. Without limiting any other rights of the TSP under this Agreement, if the Generator fails to timely provide any notice to proceed and/or security amount as set forth in Attachment 1 to Exhibit "B," the schedule, In-Service Date, Scheduled Trial Operation Date, and Scheduled Commercial Operation Date are subject to change at TSP's discretion.

In - Service Date(s):	**May 31, 2020**
Scheduled Trial Operation Date:	**June 15, 2020**
Scheduled Commercial Operation Date:	**June 29, 2020**

Due to the nature of the subject of this Agreement, the Parties may mutually agree to change the date and time of this Exhibit "B." The Parties acknowledge and agree that the Generator's failure to fulfill the conditions under Section 4.1.0, Section 4.2, and Section 4.3 in accordance with the dates set forth in this Exhibit "B" will result in adjustments to the applicable In-Service Date, Scheduled Trial Operation Date, and Scheduled Commercial Operation Date, and may cause the need for additional or revised studies to be performed or other reasonably related conditions or obligations to be fulfilled. The Parties further acknowledge and agree that ERCOT may require additional studies at any time due to changing system conditions or otherwise and that this Agreement is subject to revision as necessary based on the outcome of any such additional studies.

Attachment 1 to Exhibit "B"

Notices to Proceed and Amount of Security

Description of Activity	Dates Notice to Proceed & Security Issued to TSP	Amount of Security
NTP to state: TSP to initiate: • CCN application • Major equipment order • Engineering • Design • Procurement	**Upon execution. No later than August 16, 2018**	**$5,200,000**
NTP to state: TSP to initiate: • Issue P.O.'s as needed • Execute EPC agreement • Initiate 345kV/138kV station construction activities as needed • Incur additional transformer security exposure	**October 15, 2018**	**$7,000,000** Total $12,200,000
NTP to state: TSP to initiate: • All construction activities for stations and 345kV line work • Assume full authority to proceed & install Auto Transformer	**December 1, 2018**	**$3,000,000** Total $15,200,000
FNTP to state: Full Notice To Proceed with all work, including construction of 138kV line facilities	**Within five (5) business days following TSP written notice to Generator of CCN Award by PUCT**	**$1,100,000** **Total Security** **$16,300,000**