

June 30, 2022

Nicole Hay, Director  
Morgan County Planning and Zoning Department  
231 Ensign Street, P.O. Box 596  
Fort Morgan, Colorado 80701

**Re: Xcel Energy – Colorado’s Power Pathway – Morgan County 1041 Regulations– (“1041 Regulations”) – Permit Application – Major Transmission Line Facility (“Project”) – June 30, 2022 – Request for Waiver – Application Submittal Requirements**

Dear Ms. Hay:

I am writing to you on behalf of Public Service Company of Colorado, an Xcel Energy company (“Xcel Energy”) regarding the above-captioned Permit Application for Colorado’s Power Pathway (Pathway) and related application submittal requirements. Specifically, I am requesting a waiver of the property title information requirements for Pathway set forth in Chapter 3, Article 3, Subsection 3-305(2)(b)(iii) in the 1041 Regulations based on authority vested in you by the regulations to grant waivers to specific submittal requirements pursuant to Section 3-305(5), and as further provided in Subsection 2-204.

The property title information required as part of the Permit Application pursuant to the provision cited above of the 1041 Regulations is not of major relevance to the decision on the application, and it is unreasonably burdensome for the applicant in light of the nature and scope of Pathway. The required property title information set forth in Chapter 3, Article 3, Subsection 3-305(2)(b)(iii) of the 1041 Regulations includes, but is not limited to the following:

“The names and addresses of persons or entities with an interest in any real property proposed to be physically disturbed or crossed by the activity or development which is the subject of the application, excluding mineral interests but including those holding mortgages, judgments, liens, easements, contract rights, rights of way, reservations, exceptions, or other encumbrances ...”

The nature and scope of Pathway includes a major electrical transmission line facility within a forty-eight (48) mile utility corridor which crosses Morgan County. Due to the significant length and varied character of the proposed Pathway corridor, the practical difficulties, including time and expense, of assembling and ensuring the accuracy of the required information is daunting and not readily achievable. Xcel Energy respectfully requests that it be granted a waiver to the property title information provision set forth in Chapter 3, Article 3, Subsection 3-305(2)(b)(iii).

Notwithstanding the forgoing, Xcel Energy is mindful of the importance of functioning irrigation ditches to Morgan County’s agricultural economy. As I am sure you are aware, ditch ownership is not consistently identifiable in title searches. Oftentimes only through discussion with landowners after review of high-level mapping can Xcel Energy determine whether an active ditch is in operation. Accordingly, it is typical that Xcel Energy agree to a condition of permit approval that the Applicant enter into any legally required agreement with any irrigation ditch company prior to encroachment within the ditch which impacts the carriage of water as a means of satisfying County concerns regarding ditch impacts.

In the event you determine in your discretion to grant a partial waiver, except for the identification and disclosure in the Permit Application of any active irrigation ditch or ditches which are identified within the

proposed transmission line utility corridor of Pathway, Xcel Energy would supplement its application with the identification of active irrigation ditches upon identification of such ditches by Xcel Energy.

Please contact me by telephone at (303) 571-7088 or email at [Carly.R.Rowe@xcelenergy.com](mailto:Carly.R.Rowe@xcelenergy.com) or contact our environmental consultant, Stephanie Phippen with Tetra Tech Inc., at (303) 980-3515 or [Stephanie.Phippen@tetrattech.com](mailto:Stephanie.Phippen@tetrattech.com) if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Carly Rowe". The signature is cursive and somewhat stylized.

Carly Rowe, Manager, Siting and Land Rights  
Siting & Land Rights  
Xcel Energy  
Telephone: (303) 571-7088  
[Carly.R.Rowe@xcelenergy.com](mailto:Carly.R.Rowe@xcelenergy.com)