

# EXHIBIT 3



public version of which TransWest provides as Attachment A to this Compliance Filing. The unredacted version of the PA Consulting Report is provided as a non-public confidential submission and is marked “CUI//PRIV.” The public version is marked “Public Version: Privileged Information Removed.”

TransWest respectfully requests privileged treatment for the redacted portions of the PA Consulting Report, the confidential exhibits to the PA Consulting Report, and the negotiated form of Customer Agreements between TransWest and PCW, provided as Attachment C to this Compliance Filing, that will be executed upon Commission approval of this Compliance Filing. Disclosure of the redacted information about potential customers and the terms of the negotiated agreements could cause competitive harm to the potential customers or to TransWest’s ability to negotiate transmission agreements. As required by Section 388.112(b)(2) of the Commission’s regulations, a draft protective order is provided as Attachment D to this filing. TransWest also respectfully requests that the Commission establish a comment period of no longer than 21 days and issue an order accepting this Compliance Filing by February 2, 2022, *i.e.*, 61 days after the date of this filing, in order to provide commercial certainty as soon as possible.

## **I. BACKGROUND**

The TWE Project is a new high-voltage interregional transmission system designed primarily to deliver renewable wind energy from Wyoming to the Desert Southwest region (California, Nevada, and Arizona). It will include three interconnected segments extending a total of 732 miles between Wyoming and Nevada.<sup>5</sup>

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<sup>5</sup> The three segments will include: (1) a 405-mile, 3000 MW, 500 kV high-voltage direct current (“HVDC”) system between Wyoming and Utah; (2) a 278-mile, 1,500 MW, 500 kV high-

On December 11, 2020, TransWest filed an application (as amended on February 5, 2021) for authority to sell transmission service rights at negotiated rates over the TWE Project, a request for approval of the initial capacity allocation process set forth in the application, and a request for certain waivers of the Commission’s regulations and reporting requirements related to cost-of-service rate regulation (“Application”).

On February 26, 2021, the Commission issued an order granting the requests in the Application as amended, subject to the condition that TransWest submit a compliance filing within 30 days after the close of the open solicitation process and that the Commission accept the compliance filing.<sup>6</sup> The Commission acknowledged, *inter alia*, that PA Consulting would oversee the open solicitation process as an Independent Solicitation Manager and prepare a report to the Commission that TransWest would include in its post-open solicitation compliance filing.<sup>7</sup>

The Commission recognized that the open solicitation would be conducted in three steps.<sup>8</sup> In the first step, TransWest and the ISM would broadly solicit interest in the TWE Project from potential customers by issuing a notice announcing the open solicitation and seeking Statements of Interest from entities meeting specified eligibility criteria.<sup>9</sup> The open solicitation would include two primary long-term firm transmission

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voltage alternating current (“HVAC”) transmission line between Utah and Nevada; and (3) a 49-mile, 1,680 MW, 500 kV HVAC transmission line in Nevada. *See id.* at P 3.

<sup>6</sup> *Id.* at PP 1, 30, 37 and ordering paragraphs (A)-(C). The requirements that the compliance filing must satisfy, and how this Compliance Filing satisfies them, are described below in Section II of the Compliance Filing.

<sup>7</sup> *Id.* at P 35.

<sup>8</sup> *Id.* at P 20.

<sup>9</sup> The eligibility criteria would include: (1) readiness to commit, *i.e.*, the customer’s commitment to pursue a customer agreement within TransWest’s designated negotiated window as set forth in the notice of open solicitation; (2) commitment to pay a non-refundable deposit upon execution of a customer agreement; (3) a firm transmission service request for at least 300

product offerings (each a “Product”): (1) 1,500 MW Wyoming to Utah point-to-point service; and (2) 1,500 MW Wyoming to Nevada service.<sup>10</sup>

In the second step, the ISM would screen the Statements of Interest against the eligibility criteria to determine eligibility for the third step of the open solicitation process. If the ISM determined that an entity was ineligible due to failure to satisfy the eligibility criteria, the ISM would give the entity a limited opportunity demonstrate that it satisfies the criteria. Once the ISM determined all eligible entities, the ISM would rank them using a specified set of objective criteria.<sup>11</sup>

The third and final step would include phased bilateral negotiations between TransWest and the highest-ranked eligible entities. The negotiations would take place

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MW of capacity of either of the two primary long-term firm transmission product offerings for the TWE Project; (4) the ability of the entity to directly interconnect to a TWE Project interconnection point or interconnection with a third-party system, and the ability to secure third-party firm transmission service on an existing transmission system to deliver to or receive from a TWE Project interconnection point; and (5) an investment-grade credit rating or alternative evidence of creditworthiness. *Id.* at P 21.

<sup>10</sup> *Id.* at PP 20-21.

<sup>11</sup> *Id.* at PP 22-23. The objective criteria would be: (1) Level of Creditworthiness: Reduction in counterparty risks by entering into contracts with customers with the highest level of creditworthiness and/or credit support; (2) Larger Capacity Reservations: Maximize support for the full project by executing larger capacity reservations that utilize the HVDC segment of the TWE Project and one or two of the linked HVAC segments of the TWE Project; (3) Longer Term of Service: Securing of long-term revenues by obtaining customer commitments with longer terms; (4) Project Risk-Sharing: Ability to provide financial commitments during the TWE Project development cycle and the term of any customer agreement; (5) Access to TWE Project Substation: Reduction of the risk that customers will not be able to access the TWE Project by selecting customers that can directly interconnect to a TWE Project interconnection point or have secured transmission service agreements to a TWE Project interconnection point; (6) Generation Customers: Reduction of project-on-project development risk by entering into contracts with customers based upon completion of generation development milestones and generation commercial operation date (under construction or shovel-ready); and (7) Non-Generator Customers: Reduction of development risk by evidence of need for capacity, ability to obtain any required regulatory approvals, and the timing of transmission service commencement date. *Id.* at P 22.

during a time-defined negotiation window provided on the open solicitation website for the TWE Project.<sup>12</sup>

The open solicitation process for the TWE Project began on June 7, 2021 and concluded on November 5, 2021, with the finalization of a Customer Agreement between TransWest and Power Company of Wyoming LLC (“PCW”) for each Product. PCW was the only entity that submitted Statements of Interest that the ISM determined met the minimum eligibility criteria approved by the Commission in the February 26 Order. Accordingly, TransWest is submitting this Compliance Filing within 30 days after that November 5 date, which marked the end of the three-step open solicitation process.

## **II. COMPLIANCE WITH THE COMMISSION’S REQUIREMENTS**

### **A. Regulatory Standard Pursuant to the 2013 Policy Statement**

As explained in the February 26 Order, the 2013 Policy Statement requires the merchant transmission developer to disclose the results of its capacity allocation process. The February 26 Order stated that the developer should describe the criteria that were used to select customers, any price terms, and any risk-sharing terms and conditions that served as the basis for identifying transmission customers selected versus those that were not, as well as provide certain information listed in the 2013 Policy Statement in order to provide transparency to the Commission and interested parties.<sup>13</sup> Specifically, the post-open solicitation compliance filing must include the following information:

- (1) Steps the developer took to provide broad notice, including the project information and customer evaluation criteria that were relayed in the broad notice;

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<sup>12</sup> *Id.* at P 24. The open solicitation website for the TWE Project is [TWE Project Open Solicitation \(transwestexpress-os.com\)](https://transwestexpress-os.com).

<sup>13</sup> *Id.* at P 16 (citing 2013 Policy Statement at P 30).

- (2) Identity of the parties that expressed interest in the project, placed bids for project capacity, and/or purchased capacity; and the capacity amounts, terms, and prices involved in that interest, bid, or purchase;
- (3) Basis for the developer's decision to prorate, or not to prorate, capacity, if a proposed project is oversubscribed;
- (4) Basis for the developer's decision not to increase capacity for a proposed project if it is oversubscribed (including the details of the economic, technical, or financial infeasibility that is the basis for declining to increase capacity);
- (5) Justification for offering more favorable rates, terms, and conditions to certain customers, such as "first movers" or those willing to take on greater project risk-sharing;
- (6) Criteria used for distinguishing customers and the method used for evaluating bids. This should include the details of how each potential transmission customer (including both those who were and those who were not allocated capacity) was evaluated and compared to other potential transmission customers, both at the early stage when the developer chooses with whom to enter into bilateral negotiations and subsequently when the developer chooses in the negotiation phase to whom to award transmission capacity; and
- (7) Explanation of decisions used to select and reject specific customers. In particular, the report should identify the facts, including any rates, terms or conditions of agreements unique to individual customers that led to their selection, and relevant information about others that led to their rejection. If a selected customer is an affiliate, the Commission will look more carefully at the basis for reaching that determination.<sup>14</sup>

Accordingly, the Commission accepted the capacity allocation process for the TWE Project subject to the condition that TransWest submit a compliance filing that satisfies these seven requirements.<sup>15</sup>

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<sup>14</sup> 2013 Policy Statement at P 30.

<sup>15</sup> See February 26 Order at PP 30, 36-37, and ordering paragraph (C).

**B. The Open Solicitation Process for the TWE Project Satisfies the Commission’s Regulatory Standard**

As discussed in the next seven subsections of this Compliance Filing, the open solicitation process for the TWE Project satisfies each of the corresponding seven requirements listed above in Section II.A. In addition, more detailed information regarding the open solicitation process is provided in the PA Consulting Report, and exhibits thereto, provided as Attachment A to the Compliance Filing.

**1. Broad Notice**

In the first step of the open solicitation process, TransWest and PA Consulting provided broad notice regarding the open solicitation in order to draw as much interest from potential bidders as possible. The open solicitation began on June 7, 2021 with the issuance of a notice of open solicitation on the TransWest website (“Notice of Open Solicitation”).<sup>16</sup> The Notice of Open Solicitation explained that PA Consulting would be the ISM, highlighted key facts about the open solicitation and the TWE Project, and provided a link to the open solicitation website for the TWE Project, which included more detailed information regarding a technical description of the TWE Project, specific interconnection points and endpoints, the eligibility and ranking criteria, capacity allocation arrangements including potential oversubscription, and contact information.<sup>17</sup> The Notice of Open Solicitation also announced that the open solicitation website for the TWE Project included a Statement of Interest form and a form of Customer Agreement for registered participants who executed a Mutual Confidentiality Agreement.

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<sup>16</sup> [transwest-express-open-solicitation-notice.pdf \(transwestexpress.net\)](#).

<sup>17</sup> [TWE Project Open Solicitation \(transwestexpress-os.com\)](#).



PA Consulting sent the Notice of Open Solicitation by email to the distribution list that it had developed with TransWest. The email list was comprised of a targeted group of companies and individuals potentially interested in capacity on the TWE Project and the Open Solicitation process. TransWest provided contact information for approximately 130 key individuals, companies, and other entities with a presence or interest in the Western power grid. This included contact information for national, local and trade media; investor-owned utilities; independent generators; energy company investors and technology companies; municipal and federal power authorities; and state regulatory groups and regional planning entities.<sup>18</sup>

TransWest directly reached out to relevant public agencies, industry trade groups, and other entities to provide timely information about the Open Solicitation. This included informing the American Clean Power Association, the Wyoming Energy Authority, the Utah Office of Energy Development, and regional planning groups and other key entities operating in the West, to alert them about the Open Solicitation and to ask them to share the information within their networks.

TransWest and PA Consulting also both published press releases on June 7, 2021 announcing the beginning of the Open Solicitation for the TWE Project.<sup>19</sup> TransWest's press release was posted on and distributed through Business Wire to its "Energy Corridor list." According to the BusinessWire distribution report, the release had over 2,000 total views on the first day. TransWest also posted the same press release to the TransWest website and on Twitter, and emailed it to TransWest's email mailing list of

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<sup>18</sup> See Attachment A, PA Consulting Report at Section 2.

<sup>19</sup> See Attachment A, PA Consulting Report at Section 2.1.1.

nearly 1,300 subscribers. PA Consulting's press release was posted on and distributed through PR Newswire. Because of these press releases, the Open Solicitation was picked up by various websites that wrote and published news stories about the TWE Project.<sup>20</sup>

PA Consulting advertised the TWE Project Open Solicitation via paid advertisements on Utility Dive's website as well as in text ads in Megawatt Daily. These publications were chosen as part of the advertising and outreach strategy based on their wide readership within the energy and transmission space.<sup>21</sup>

PA Consulting also posted to social media about the TWE Project Open Solicitation via PA Consulting's Twitter account.<sup>22</sup> TransWest too used its Twitter account to promote the Open Solicitation, with Twitter postings before the June 7, 2021 launch date to note that the Open Solicitation was coming soon; postings on June 7, 2021 to announce that the Open Solicitation was underway; and additional postings made throughout the next 60 days while the Open Solicitation remained open.

TransWest also publicized the TWE Project and the Open Solicitation opportunity using its existing project website.<sup>23</sup> On December 11, 2020, TransWest created a specific page on the project website to publicize TransWest's application to the Commission for authority to sell transmission service rights at negotiated rates and to publicize the

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<sup>20</sup> See Attachment B, Open Solicitation News Articles. Articles about the Open Solicitation appeared in *S&P Global* (January 6 and June 7, 2021), *CQ Roll Call* (March 1, 2021), *Project Finance International* (June 7, 2021), *Transmission Hub* (June 7, 2021), *Renewables Now* (June 9, 2021), *California Energy Markets* (June 11, 2021), *Clearing Up* (June 11, 2021), *North American Wind Power* (June 14, 2021), *SNL Energy Finance Daily* (June 15 and June 18, 2021), *IJ Global* (June 16, 2021), and *Uintah Basin Standard* (June 17, 2021).

<sup>21</sup> See Attachment A, PA Consulting Report at Section 2.1.2.

<sup>22</sup> *Id.*

<sup>23</sup> [TransWest Express Transmission Project: Delivering Wyoming Wind Energy.](#)

upcoming Open Solicitation process.<sup>24</sup> In addition, on June 7, 2021, the same day the ISM launched the Open Solicitation, TransWest posted a direct link to the ISM's open solicitation website and posted the Notice of Open Solicitation. All of these efforts were directed to inform interested parties about the open solicitation website where they could find further information and register for participation in the open solicitation.

The open solicitation website included tabs which could be accessed by the public that described the TWE Project, provided information about registration, confidentiality, documents, frequently asked questions, news, and a calendar. Documents available to the public included the Notice of Open Solicitation and the Open Solicitation Information Memorandum, a comprehensive and detailed document that set out, among other things, the eligibility and ranking criteria approved in the February 26 Order.<sup>25</sup>

Potential customers could gain access to a secure, non-public section of the open solicitation website by completing a registration form and executing a Mutual Confidentiality Agreement. The secure, non-public section of the open solicitation website was created to facilitate the sharing of confidential and commercially sensitive documents with potential customers who were then deemed Registered Participants.

Through direct email, press releases, paid advertisements, social media, the TWE Project website, and an open solicitation website, PA Consulting and TransWest widely published the Notice of Open Solicitation and broadly solicited interest in the TWE Project. Therefore, TransWest met the commitments it made to the Commission

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<sup>24</sup> [TransWest Express Transmission Project: FERC facts.](#)

<sup>25</sup> Information Solicitation Information Memorandum: TransWest Express Transmission Project at 10-11 (June 7, 2021), available at [twe-os-information-memo.pdf \(transwestexpress-os.com\)](#); *see also* February 26 Order at PP 21-22 (listing the Commission-approved eligibility and ranking criteria).

regarding the first step of the open solicitation; TransWest and PA Consulting, as the ISM, broadly solicited interest in the TWE Project from potential customers by issuing a notice announcing the open solicitation and seeking Statements of Interest from entities meeting certain eligibility criteria.<sup>26</sup>

## **2. Identity of Parties and Bids**

As explained in the PA Consulting Report, eight entities submitted registration forms. PA Consulting determined that only six of these entities were valid potential customers and were designated as Registered Participants.<sup>27</sup> Of these six Registered Participants, two entities submitted Statements of Interest regarding the TWE Project, with both entities submitting a Statement of Interest for each Product. In the second step of the open solicitation process,<sup>28</sup> PA Consulting screened the four Statements of Interest against the eligibility criteria to determine eligibility for the third step of the open solicitation process.<sup>29</sup>

PA Consulting determined in the screening process that one of the submitting entities (“Entity #1”),<sup>30</sup> appeared to fail to meet two of the eligibility criteria (access to

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<sup>26</sup> See February 26 Order at P 8.

<sup>27</sup> See Attachment A, PA Consulting Report at Section 3.1.

<sup>28</sup> The due date for submitting Statements of Interest was August 6, 2021. [Calendar – TWE Project Open Solicitation \(transwestexpress-os.com\)](#). Thus, the due date accorded with TransWest’s statement in the Application that interested parties would be required to submit their completed Statement of Interest forms within 60 days after the Notice of Open Solicitation was issued. See February 26 Order at P 20.

<sup>29</sup> PA Consulting completed the screening and ranking process by August 20, 2021, in accordance with the calendar posted on the open solicitation website. [Calendar – TWE Project Open Solicitation \(transwestexpress-os.com\)](#).

<sup>30</sup> The identity of Entity #1 is provided in the non-public, confidential version of the PA Consulting Report.

the TWE Project and the potential customer's creditworthiness).<sup>31</sup> Soon thereafter, PA Consulting notified Entity #1 regarding the eligibility criteria it did not appear to satisfy and provided an opportunity for Entity #1 to supply additional information to demonstrate that it satisfied the criteria.<sup>32</sup> Entity #1 did not provide such additional information, and indeed did not respond with any additional information regarding its creditworthiness. Therefore, PA Consulting determined that the two Statements of Interest (one for each Product) submitted by Entity #1 did not meet the previously disclosed eligibility criteria and notified Entity #1 that it was ineligible to participate in bilateral negotiations with TransWest.<sup>33</sup>

PA Consulting applied the same eligibility criteria to the other submitting entity, Power Company of Wyoming LLC ("PCW"), and determined that the two Statements of Interest PCW submitted – one for each Product – satisfied all of the previously disclosed eligibility criteria.<sup>34</sup> Because there were no other entities with Statements of Interest that satisfied the eligibility criteria, it was unnecessary for PA Consulting to rank the eligible entities to determine the highest-ranked eligible entities. Nonetheless, PA Consulting completed the process by having two PA Consulting employees independently evaluate and score the Statements of Interest that PCW submitted with both employees awarding the same score.<sup>35</sup>

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<sup>31</sup> See Attachment A, PA Consulting Report at Section 3.3.2.

<sup>32</sup> See February 26 Order at P 22.

<sup>33</sup> See Attachment A, PA Consulting Report at Sections 3.3.2 and 3.4.

<sup>34</sup> See Attachment A, PA Consulting Report at Sections 3.3.2 and 3.4.

<sup>35</sup> See Attachment A, PA Consulting Report at Section 3.5.

Accordingly, in the third step of the open solicitation process, TransWest and PCW took part in bilateral negotiations that resulted in the two Customer Agreements contained in confidential Attachment C to this Compliance Filing. There is one Customer Agreement between TransWest and PCW for the full capacity of each of the two Products: (1) 1,500 MW Wyoming to Utah point-to-point service; and (2) 1,500 MW Wyoming to Nevada point-to-point service.

As noted in the February 26 Order, PCW is a corporate affiliate of TransWest.<sup>36</sup> In the negotiations of the Customer Agreements, TransWest and PCW were each represented by separate teams with separate outside counsel. The negotiated terms are the types of commercial terms that TransWest would have agreed to with an unaffiliated potential customer that is similarly situated to PCW.

The Commission acknowledged TransWest's commitments in the Application that: (1) non-affiliates would be offered the same rates, terms, and conditions as any affiliate for similar-length transmission service agreements resulting from the allocation; (2) TransWest would maintain separate books and records for the TWE Project, independent of its affiliates' books and records; (3) PA Consulting, as the ISM, would oversee the open solicitation process as an independent solicitation manager and prepare a report to the Commission that TransWest will include in its post-solicitation compliance filing; (4) TransWest would file an open access transmission tariff ("OATT") following the Commission's *pro forma* template to provide transmission service on the TWE Project for all capacity not initially allocated in the open solicitation process; and (5) TransWest would comply with the Commission's Standards of Conduct, affiliate rules,

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<sup>36</sup> February 26 Order at P 5.

and other filing requirements, including Electric Quarterly Reports of its transmission service transactions.<sup>37</sup> The Commission also acknowledged TransWest’s commitment that, if any affiliate was allocated capacity on the TWE Project, TransWest would, in its post-open solicitation filing, detail the results and describe the process in sufficient detail to demonstrate that no affiliate was given undue preference, and to show that the treatment of unaffiliated customers was just, reasonable, and not unduly preferential or discriminatory.<sup>38</sup> The Commission accepted these commitments as satisfying its affiliate preference concerns, subject to the Commission’s approval of TransWest’s post-open solicitation compliance filing demonstrating that the allocation of the remaining, currently unsubscribed capacity was just, reasonable, and not unduly preferential or discriminatory.<sup>39</sup>

TransWest has abided by, and will abide by, all of the commitments described in the Application and the February 26 Order. PCW was the only entity that submitted Statements of Interest and that satisfied the minimum eligibility criteria approved by the Commission. PA Consulting, which is the ISM, determined that the only other entity submitting a Statement of Interest did not satisfy two of the five approved eligibility criteria. The Commission recognized in the 2013 Policy Statement that, so long as there is no undue discrimination or preference, an open solicitation process can “result in a single customer, including an affiliate, [being] awarded up to 100 percent of capacity” of a project.<sup>40</sup> That was the result of the open solicitation process for the TWE Project.

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<sup>37</sup> *Id.* at P 35.

<sup>38</sup> *Id.* at P 37.

<sup>39</sup> *Id.*

<sup>40</sup> 2013 Policy Statement at P 28.

### **3. Decision Whether to Prorate Capacity for an Oversubscribed Project**

TransWest had represented that it did not intend to prorate capacities of potential customers if the TWE Project is potentially “oversubscribed” based on eligible expressions of interest.<sup>41</sup> PA Consulting did not receive eligible bids for a quantity of MW in excess of the capacity of the TWE Project. Instead, there was only one eligible Statement of Interest submitted for each Product. TransWest therefore did not need to decide whether to prorate, or not to prorate, capacity for an oversubscribed project. However, both the form of Customer Agreement and the final Customer Agreements between TransWest and PCW provide for the potential for the Western Area Power Administration to exercise its option for limited capacity on the TWE Project.<sup>42</sup>

### **4. Basis for Not Increasing Capacity for an Oversubscribed Project**

PA Consulting did not receive bids from eligible bidders for a quantity of MW in excess of the capacity of the TWE Project. Therefore, that obviated any need for TransWest to decide whether or not to increase capacity.

### **5. Justification for Offering More Favorable Rates, Terms, and Conditions to Certain Customers**

TransWest committed that: (1) non-affiliates would be offered the same rates, terms, and conditions as any affiliate for similar-length TSAs resulting from the allocation; and (2) that the terms and conditions for the initial capacity would require sufficient commitments from the transmission customers to fund the initial build-out of the TWE Project, regardless of whether the customer is an affiliate or non-affiliate of

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<sup>41</sup> February 26 Order at P 10.

<sup>42</sup> See Attachment C, Customer Agreements, at Section 4.9 of each Customer Agreement.



TransWest.<sup>43</sup> TransWest notified all potential customers of these two commitments in the open solicitation materials.<sup>44</sup>

Additionally, potential customers who registered and entered into a Mutual Confidentiality Agreement with TransWest (“Registered Participants”) were provided with a table showing Indicative Transmission Rates, Customer Deposits and Termination Payments, and a form of Customer Agreement. Therefore, in step two of the open solicitation process, all potential customers were offered the same rates, terms, and conditions. The indicative transmission rates – composed of a fixed rate and variable rate (the “Rates”) – were based on the estimated capital expenditures required to build out the TWE Project for the two Products. The form of the Customer Agreement included terms under which the Rates would be adjusted to reflect updated capital expenditures at various project development milestones.

PA Consulting received only one Statement of Interest for each Product that satisfied the eligibility criteria – from PCW. Therefore, because no other participant submitted a Statement of Interest that met the eligibility criteria, TransWest entered into bilateral negotiations under step three of the open solicitation process with PCW alone. As negotiated, the rates remain based on the estimated capital expenditures required to build out the TWE Project for the two Products and PCW’s commitments are sufficient to fund this build-out of the TWE Project.

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<sup>43</sup> February 26 Order at P 12.

<sup>44</sup> Open Solicitation Information Memorandum at 9, 11-12.

As a result, throughout the open solicitation process, TransWest did not offer more favorable rates, terms, or conditions to PCW as an affiliate than were offered to any other potential non-affiliate customer.

## **6. Criteria Used for Distinguishing Customers and Method Used for Evaluating Bids**

As determined by PA Consulting as the ISM, PCW was the only entity whose Statement of Interest satisfied the eligibility criteria. Therefore, PA Consulting did not need to use, and did not use, any criteria for distinguishing customers or a method for evaluating bids in addition to determining that PCW satisfied the eligibility criteria.

To determine eligibility of the Statements of Interest, PA Consulting screened the Statements of Interest against the eligibility criteria approved in the February 26 Order.<sup>45</sup> PA Consulting's decision-making process that resulted in the conclusion that the only eligible Statements of Interest were submitted by PCW is outlined in the PA Consulting Report<sup>46</sup> and Section II.B.2, *supra*.

## **7. Explanation of Decisions Used to Select and Reject Specific Customers**

Because PCW was the only entity whose Statements of Interest satisfied the eligibility criteria, PA Consulting selected only PCW. Therefore, TransWest entered into

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<sup>45</sup> As discussed in footnote 9 above, the eligibility criteria include: (1) readiness to commit, *i.e.*, the customer's commitment to pursue a customer agreement within TransWest's designated negotiated window as set forth in the notice of open solicitation; (2) commitment to pay a non-refundable deposit upon execution of a customer agreement; (3) a firm transmission service request for at least 300 MW of capacity of either of the two primary long-term firm transmission product offerings for the TWE Project; (4) the ability of the entity to directly interconnect to a TWE Project interconnection point or interconnection with a third-party system, and the ability to secure third-party firm transmission service on an existing transmission system to deliver to or receive from a TWE Project interconnection point; and (5) an investment-grade credit rating or alternative evidence of creditworthiness. *See* February 26 Order at P 21.

<sup>46</sup> *See* Attachment A, PA Consulting Report at Sections 3.3 and 3.4.

step 3 of the open solicitation process – bilateral negotiations – with only PCW and resulting in Customer Agreements with PCW. Therefore, TransWest did not reject any specific customers. The only other entity that submitted Statements of Interest was Entity #1. As set out in more detail above and in the PA Consulting Report, PA Consulting rejected the Statements of Interest submitted by Entity #1 because Entity #1 did not satisfy the eligibility criteria.<sup>47</sup>

### **III. REQUEST FOR PRIVILEGED TREATMENT**

TransWest respectfully requests privileged treatment pursuant to Section 388.112 of the Commission’s regulations,<sup>48</sup> and exemption from the mandatory public disclosure requirements of the Freedom of Information Act pursuant to Section 388.107(d) of the Commission’s regulations,<sup>49</sup> for certain information regarding the entities who became Registered Participants, and those that submitted Statements of Interest contained in this Compliance Filing and the PA Consulting Report, as well as the Customer Agreements by and between TransWest and PCW, which was the only eligible Participant selected in the open solicitation process. The two Customer Agreements – one for each Product – are provided as confidential Attachment C to this Compliance Filing. Disclosure of the Customer Agreements and the identity of the other Registered Participants is competitively sensitive information that could be harmful to the ability of TransWest or the Registered Participants in the negotiation of future transmission or other commercial agreements.

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<sup>47</sup> See Section II.B.2, *supra*; Attachment A, PA Consulting Report at Sections 3.2, 3.3, and 3.4.

<sup>48</sup> 18 C.F.R. § 388.112.

<sup>49</sup> 18 C.F.R. § 388.107(d); *see also* 5 U.S.C. § 552(b)(4).

#### **IV. REQUEST FOR TIMELY COMMISSION ACTION**

TransWest respectfully requests that the Commission establish a comment period of no longer than 21 days and issue an order accepting this Compliance Filing by February 2, 2022, *i.e.*, 61 days after the date of this filing. Issuance of an order by February 2, 2022 will timely provide TransWest and PCW with commercial certainty as to the Customer Agreements and permit the construction financing and construction of the TWE Project to commence on-schedule. Construction on the TWE Project is expected to commence in 2022,<sup>50</sup> and construction financing needs to be secured before the construction can commence. Therefore, granting this request is appropriate.

#### **V. CONCLUSION**

For the foregoing reasons, TransWest respectfully requests that the Commission: (1) establish a comment period of no longer than 21 days and issue an order accepting this Compliance Filing by no later than February 2, 2022; and (2) grant the request for privileged treatment contained in this Compliance Filing.

Respectfully submitted,

/s/ Sean Atkins

Sean Atkins

Andrea Wolfman

Bradley Miliauskas

Davis Wright Tremaine LLP

*Counsel for TransWest Express, LLC*

Dated: December 3, 2021

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<sup>50</sup> [transwest-express-open-solicitation-notice.pdf \(transwestexpress.net\)](https://www.transwestexpress.com/~/media/TransWestExpress/2021/12/transwest-express-open-solicitation-notice.pdf).

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon all of the parties listed on the official service list for the above-referenced proceeding, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Washington, D.C. this 3rd day of December, 2021.

/s/ **Daniel Klein**  
Daniel Klein  
Davis Wright Tremaine LLP

# ATTACHMENT A



December 1, 2021

Roxane J. Perruso  
Executive Vice President and Chief Operating Officer  
TransWest Express LLC  
555 17th Street, Suite 2400  
Denver CO 80202

**Re: Report of the Independent Solicitation Manager of the TransWest Express Open Solicitation**

Dear Ms. Perruso:

TransWest Express LLC (TransWest) engaged PA Consulting, Inc. (PA) to design, manage, and monitor the Open Solicitation by which TransWest would allocate capacity on the TransWest Express Transmission Project (TWE Project). The TWE Project will provide both up to 1500 MW of point-to-point transmission service from Eastern Wyoming to Utah and up to 1500 MW of point-to-point transmission service from Eastern Wyoming to Southern Nevada. Participants who were allocated capacity on the TWE Project acquired the right to enter into Customer Agreements with TransWest, preliminary to negotiating Transmission Service Agreements.

This report describes the conduct and outcome of the Open Solicitation process based on PA's management and monitoring of the process. It is prepared as a comprehensive post-allocation disclosure report to the Federal Energy Regulatory Commission (FERC) and to be included by TransWest in a compliance filing as directed by the FERC's February 21 *Order Granting Application for Authorization to Charge Negotiated Rates, Subject to Condition, and Granting Waivers* in Docket No. ER21-645-000 (174 FERC ¶ 61,160). The report is intended solely for use in regulatory proceedings related to the TWE Project and is not intended to be used for any other purpose.

Yours truly,

A handwritten signature in black ink that reads 'Ron Norman' followed by a horizontal line.

Ron Norman  
Member of PA's Management Group



# **TRANSWEST EXPRESS TRANSMISSION PROJECT OPEN SOLICITATION - INDEPENDENT SOLICITATION MANAGER REPORT**

TRANSWEST EXPRESS LLC

December 2021



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## GLOSSARY AND ACRONYMS

**Commission or FERC** – Federal Energy Regulatory Commission

**FAQ** – Frequently Asked Questions

**ISM** – Independent Solicitation Manager

**MW** – Megawatt

**OS Website** – TWE Project Open Solicitation website

**PA** – PA Consulting

**PCW** – Power Company of Wyoming LLC

**TransWest** – TransWest Express LLC

**TSA** – Transmission Service Agreement

**TWE Project** – TransWest Express Transmission Project

# 1 BACKGROUND ON THE OPEN SOLICITATION PROCESS

## 1.1 TRANSWEST EXPRESS TRANSMISSION PROJECT

The TransWest Express Transmission Project (TWE Project) is a new high-voltage interregional transmission system designed primarily to deliver renewable wind energy from Wyoming to the Desert Southwest region (California, Nevada, and Arizona). It will include three interconnected segments extending a total of 732 miles between Wyoming and Nevada.

## 1.2 RESPONSIBILITIES OF INDEPENDENT SOLICITATION MANAGER

On December 11, 2020, as amended on February 5, 2021, TransWest Express LLC (TransWest) submitted an application to the Federal Energy Regulatory Commission (Commission or FERC) for authority to sell transmission service rights at negotiated rates on the TWE Project (Application).<sup>1</sup> TransWest also requested that the Commission approve its proposed initial capacity allocation process, through which it intended to allocate up to 100 percent of the capacity of the TWE Project (the Open Solicitation).<sup>2</sup> TransWest's Application provided that it had retained PA Consulting as an Independent Solicitation Manager (ISM) to run the Open Solicitation process and outlined the ISM's responsibilities.<sup>3</sup>

On February 26, 2021, the Commission issued an Order granting TransWest's request to sell transmission capacity at negotiated rates and accepting the proposed capacity allocation process subject to submission of a post-allocation compliance filing.<sup>4</sup> The Commission acknowledged that PA Consulting, as the ISM, would oversee the open solicitation process as the ISM and prepare a report to the Commission that TransWest would include in its post-solicitation compliance filing.<sup>5</sup>

As the ISM, PA's responsibilities were to: (1) widely publish the notice of open solicitation; (2) manage the TWE Project Open Solicitation website; (3) provide project and process information to interested parties; (4) screen potential customers based on the previously disclosed eligibility criteria; (5) rank eligible customers based on previously disclosed ranking criteria; and (6) prepare a comprehensive post-allocation disclosure report to the Commission for inclusion in TransWest's compliance filing (the Report).

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<sup>1</sup> *Application for Authority to Sell Transmission Service Rights at Negotiated Rates, Request for Approval of Capacity Allocation Process, and Request for Waivers*, Docket ER21-645-000 (2020) ("TransWest's Application") and *Amendment to Application for Authority to Sell Transmission Service Rights at Negotiated Rates, Request for Approval of Capacity Allocation Process, and Request for Waivers and Request for Shortened Comment Period*, Docket ER21-645-000 (2021) ("TransWest's Amended Application").

<sup>2</sup> TransWest's Application.

<sup>3</sup> *Id.* at P. 1.

<sup>4</sup> *Order Granting Application for Authorization to Charge Negotiated Rates, Subject to Condition, and Granting Waivers*, 174 FERC ¶ 61,160, Docket No. ER21-645-000. (2021) ("FERC's Order on TransWest's Application").

<sup>5</sup> *Id.* at P. 19.

This Report, prepared by PA Consulting, describes how it met its responsibilities as the ISM for the TWE Project Open Solicitation. Specifically, this Report describes comprehensively how PA widely published notice of the open solicitation using several approaches, created and managed the Open Solicitation website, communicated with potential transmission customers ensuring they were provided with both the eligibility and ranking criteria, reviewed the statements of interest that were submitted and screened them against the eligibility criteria, and selected the potential transmission customers for negotiations with TransWest. This Report demonstrates that PA Consulting, as the ISM, conducted the Open Solicitation process as approved in FERC's Order on TransWest's Application ensuring that it was open, fair, transparent, and that it applied the previously approved and disclosed eligibility and ranking criteria in a non-discriminatory and non-preferential manner.

### 1.3 OPEN SOLICITATION SCHEDULE

The schedule for the Open Solicitation is shown below in Table 1-1:

**Table 1-1: Open Solicitation Schedule**

Date	Milestone
June 7	Publication of notice, marketing stage begins
June 14	Bidder registration opens
July 23	Bidder registration closes, MCAs executed with Registered Participants
July 27	Last date to ask/submit questions
August 6	Statements of Interest due at 5pm MDT
August 12	Ineligible Statements of Interest eliminated
August 22	Bid evaluation and ranking complete
August 23	Negotiations Begin
November 5	Bilateral negotiation window closes, results posted on OS Website

The Calendar section of the OS Website informed the public that "TransWest may elect to extend some or all of the deadlines" that were posted. Initially, at the commencement of the Open Solicitation on June 7, the OS Website Calendar page listed September 23 as the closing date for the bilateral negotiations window. On September 28 this closing date was extended to October 22. On October 18, the negotiations window was extended to November 5. PA updated the OS Website each time to reflect the extensions.

### 1.4 AVAILABLE PRODUCTS AND CAPACITY

As provided in TransWest's Application to FERC and multiple Open Solicitation documents, TransWest offered interested parties two primary long-term firm transmission

service products through the Open Solicitation: (1) up to 1,500 MW Wyoming to Utah point-to-point service; and (2) up to 1,500 MW Wyoming to Nevada point-to-point service, with several delivery points available (Transmission Service Products or Products).<sup>6</sup> Interested parties were notified that the TWE Project can be built in stages generally defined by each of the two primary Products with the first stage expected to be in service as early as 2025.

The TWE Project's nominal capacity for each Product is 1,500 MW as measured at the delivery point. The confidential, non-public materials, that were provided to interested parties once they registered and entered into a Mutual Confidentiality Agreement, outlined that the Transmission Service Agreement (TSA) would be based on the capacity available at the Wyoming Point of Receipt. Therefore, interested parties were able to request a capacity reservation of up to 1,620 MW for each Product as measured at the Wyoming Point of Receipt. The difference between the 1,500 MW as measured at the Utah and Nevada Delivery Points and the 1,620 MW at the Wyoming Point of Receipt is due to transmission line losses.<sup>7</sup>

## 1.5 THREE-STEP OPEN SOLICITATION PROCESS

PA Consulting, acting as the ISM for the TWE Project Open Solicitation, worked with TransWest to follow the three-step Open Solicitation process approved in FERC's Order on TransWest's Application. In the first step, PA Consulting and TransWest broadly solicited interest in the TWE Project from potential customers by issuing a notice announcing the open solicitation and seeking Statements of Interest from entities meeting the eligibility criteria. In the second step, PA Consulting screened the Statements of Interest against the eligibility criteria to determine eligibility for the third step of the open solicitation process. Once it determined all eligible entities, PA Consulting ranked eligible entities using the approved objective criteria. The third and final step was phased bilateral negotiations with highest-ranked parties. Steps one and two were undertaken by PA Consulting and step three was conducted by TransWest; PA did not participate in negotiations between the highest-ranked party for each Product and TransWest. PA's performance as the ISM for steps one and two of the Open Solicitation is detailed below.

Generally, PA Consulting established and maintained a solicitation information website at [www.TransWestExpress-OS.com](http://www.TransWestExpress-OS.com), drafted and issued press releases and advertisements for the solicitation, developed an email list in conjunction with TransWest of potential interested parties to contact directly to elicit interest, registered parties to receive additional non-public information on the TWE Project and the Open Solicitation, corresponded with and answered questions from interested parties and published these questions on the website, managed the Open Solicitation process, conducted an eligibility evaluation of the Statements of Interest and made eligibility determinations, applied the ranking criteria to the eligible parties, and ultimately prepared this Report. PA's performance of its responsibilities for the first two steps of the Open Solicitation process is described in more detail below.

<sup>6</sup> See, e.g., Exhibit 8, Open Solicitation Information Memorandum at 1, 6; Exhibit 12, Statement of Interest form, Transmission Service Requested tab.

<sup>7</sup> See, Exhibit 12, Statement of Interest form, Transmission Service Requested tab.

## 2 THE ISM AND TRANSWEST BROADLY SOLICITED INTEREST IN TWE PROJECT CAPACITY

### 2.1 OPEN SOLICITATION NOTICE

In the first step of the Open Solicitation process, TransWest and PA broadly solicited interest in the TWE Project through widely publishing a notice through direct outreach to potential interested parties via email, press releases, paid advertisements, social media, and a TWE Project Open Solicitation website.

#### 2.1.1 Broad Solicitation – Email and Press Releases

The Notice of Open Solicitation TransWest Express Transmission Project (Notice) was published on June 7, 2021 and identified PA Consulting as the ISM. See *Exhibit 1, Notice of Open Solicitation*. The Notice contained key facts about the Open Solicitation and the TWE Project, including: a description of the TWE Project and TransWest, a description of the Open Solicitation process and available Products, applicable deadlines, contact information and links to both the Open Solicitation website and TransWest's project website.

PA sent the Notice by email to the list it had developed with TransWest. The email distribution list is attached as *Exhibit 6, Email Distribution List*. The email list was comprised of a targeted group of companies and individuals potentially interested in capacity on the TWE Project and the Open Solicitation process. The email distribution list included but was not limited to utilities, power producers, potential large-sale end-users, private equity firms, Wyoming resource developers, transmission owners and providers, and state regulatory groups.

Using this list, PA sent the Notice by email to 121 different entities/individuals. Out of the 121 emails PA sent, it only received nine automated responses indicating that the email was undelivered, and one response indicating that the recipient had retired. PA attempted to correct and re-send the nine emails that came back as undelivered. PA did not receive any direct responses to the emailed Notice from entities or individuals.

TransWest and PA also both published press releases on the same day announcing the beginning of the Open Solicitation for TWE Project. See *Exhibit 2, TransWest Press Release and Exhibit 3, PA Press Release*. TransWest's press release was posted on and distributed through Business Wire. Additionally, the press release was distributed to over 1,200 subscribers on TransWest's website email mailing list. PA's press release was posted on and distributed through PR Newswire. Because of this press release, the Open Solicitation was picked up by various websites that wrote and published news stories about the TWE Project. These websites include: Transmission Hub, Renewables Now, Energy News Data, and North American WindPower.



### 2.1.2 Broad Solicitation – Paid Advertisements and Social Media Outreach

In addition to the targeted email notification campaign and press releases, PA advertised the TWE Project Open Solicitation via paid advertisements and social media. Paid advertisements included web display ads on Utility Dive’s website as well as intext ads in Megawatt Daily. These publications were chosen as part of the advertising and outreach strategy based on their wide readership within the energy and transmission space.

Utility Dive is a digital publication reaching over 400,000 professionals in the energy and utilities sector. The Utility Dive web display ads for the TWE Project Open Solicitation included a header at the top of the screen as well as a boxed ad at the side of the screen. The advertisement for the TWE Project Open Solicitation ran the week of June 21, 2021. See *Exhibit 5, Paid Advertisements*.

The Megawatt Daily newsletter is published by S&P Global Platts which has approximately 20,000 paid subscribers. Over 99% of Megawatt Daily’s subscribers are based in North America. The intext advertisements in Megawatt Daily for the TWE Project Open Solicitation ran on July 19, 2021 and again on July 23, 2021. *Id.*

PA posted to social media about the TWE Transmission Project Open Solicitation via PA’s Twitter account. PA’s Twitter account has over 11,500 followers and reaches a wide variety of individuals and companies involved in energy generation, transmission, and distribution. Table 2-1 below contains the publication and posting dates for PA’s outreach efforts. Copies of social media posts are attached as *Exhibit 4, PA Social Media Posts*. Interested parties were directed to the Open Solicitation website for further information and to register for participation in the solicitation.

**Table 2-1: Paid Advertisements and Social Media Outreach**

Medium	Dates
Utility Dive	Week of June 21
Megawatt Daily	July 19 and 23
Twitter	June 7, August 2, 4, & 5

## 2.2 TWE PROJECT OPEN SOLICITATION WEBSITE

PA established and maintained a TWE Project Open Solicitation website at [www.TransWestExpress-OS.com](http://www.TransWestExpress-OS.com) (OS Website). The OS Website was composed of two sections – a public section that could be accessed by the public including all interested parties, and a non-public section where access was restricted. The pages of the website itself are attached as *Exhibit 7, OS Website Pages*.

### 2.2.1 Public Information Available on the OS Website

The public facing portion of the OS Website offered information under: About, Register, Confidentiality, Documents, FAQs, Calendar, News and Contact. It included the Notice of Open Solicitation, the Open Solicitation Calendar, and a Documents section. The “About” section included information on the TWE Project, available transmission service products, the Open Solicitation process, registration and documents, and deadlines. The “Register” section included a registration form where interested parties could apply to become a Registered Participant and gain access to the confidential section of the website. The “Documents” section contained a list and links to the following documents which interested parties could review for further information. These documents included the:

- Notice of Open Solicitation (*Exhibit 1*);
- Open Solicitation Information Memorandum (*Exhibit 8*);
- FERC’s Order approving TransWest’s Application; and
- Mutual Confidentiality Agreement that interested parties were required to complete in order to access non-public information (*Exhibit 9*).

The Open Solicitation Information Memorandum is a comprehensive and detailed document that addressed: (1) the TransWest Express Transmission Project, including, Project Overview, Technical Description, Open Solicitation Transmission Products, Project Ownership, Development Status, and Construction and Operations; (2) the Open Solicitation Process, including, Role of Independent Solicitation Manager, Non-Discriminatory Treatment of Affiliated and Non-Affiliated Bidders, Open Solicitation Website, Registered Participants, FERC-Approved Eligibility and Ranking Criteria, Evaluation of Statements of Interest, Negotiation of Customer Agreements, Open Solicitation Schedule and Post-Allocation Report and TransWest’s Compliance Filing; and (3) Contact Information and Useful Links. *See Exhibit 8, Open Solicitation Information Memorandum.* The “Documents” section also included a list of documents that would be available to registered participants after entering into a Mutual Confidentiality Agreement (MCA).

PA updated the Frequently Asked Questions (FAQ) page of the OS Website as necessary throughout the Open Solicitation process. Questions that were received by either interested parties or registered participants were scrubbed of identifying information and any other non-public information and answers were posted to the OS Website under the FAQ page. This afforded all parties equal access to information provided by PA. In addition to posting any relevant questions on the FAQ page, the questions received were also answered via email to the submitting entity or individual.

PA also updated the “Calendar” section of the OS Website to reflect extensions of the bilateral negotiations window as outlined in Section 1.3 above. Finally, PA posted the results of the Open Solicitation on the home page of the OS Website on November 5, 2021.

### 2.2.2 Confidential Information Available to Registered Participants

In order to gain access to the secure, non-public section of the website, interested parties were instructed to complete a registration form and execute an MCA, to become Registered Participants. The registration form is attached in *Exhibit 7, OS Website Pages*. The secure, non-public section of the OS Website was created to facilitate the sharing of confidential and commercially sensitive documents with potential customers who were then deemed Registered Participants.

The following documents were available for download in the non-public section of the website:

- Indicative Transmission Rates, Customer Deposits, and Termination Payments Table (*Exhibit 10*);
- Form of Customer Agreement with proposed contractual terms (*Exhibit 11*);
- Statement of Interest form to submit to express interest in a Product (*Exhibit 12*); and
- Permitting and Site Control Worksheet for potential generation customers to submit with their Statement of Interest – (*Exhibit 13*).

TransWest committed to offer the same rates, terms, and conditions to both affiliated and non-affiliated potential customers; therefore, a table providing indicative rates (\$/kW-Month) and the customer deposit and termination payment (\$/MW) for each product was provided to Registered Participants along with a form of Customer Agreement. See *Exhibit 10, Indicative Transmission Rates and Exhibit 11, Form of Customer Agreement*. To seek transmission capacity on the TWE Project, a Registered Participant must complete and submit a Statement of Interest that addresses the eligibility and ranking criteria that was outlined in FERC's Order Approving TransWest's Application and in the Open Solicitation Information Memorandum. See *Exhibit 8, Open Solicitation Information Memorandum at 9-11*.

As Registered Participants started reviewing the non-public materials, PA received communications alerting it to the fact that there were issues with completing some of the required forms. For example, PA was notified that Registered Participants were not able to input up to 1,620 MW in the Excel version of the Statement of Interest. PA made the necessary adjustments to allow parties to input the full range of values. An updated document was posted to the website and all Registered Participants were notified that a new, updated document was available.

## 3 OPEN SOLICITATION RESPONSE AND SCREENING

### 3.1 REGISTERED PARTICIPANTS

The Open Solicitation Information Memorandum outlined how interested parties could become Registered Participants and gain access to the confidential section of the OS Website. It also provided that while any potential transmission customer could become a Registered Participant, PA would “reject registration requests from non-customers (e.g., consultants, regulatory agencies, academic institutes, and other transmission developers without a TWE Project nexus).” *See Id. at 9-10.*

As part of the registration process, interested parties were asked to provide their name, company, email address, and to describe the nature of their interest “in acquiring transmission services” on the TWE Project. *See Exhibit 7, OS Website Pages – Register.* PA screened the description of the party’s stated interest so that access to the confidential information could be limited to valid potential customers.

Interested parties were also required to provide an executed MCA and email the document to PA at the time of registration. If a party did not provide an executed MCA, or was otherwise deficient in its registration request, PA contacted the party to gather the remaining information and the required documentation.

Once a completed registration request was received, PA reviewed the information provided and prepared a recommendation to TransWest to either approve the registration request, have PA seek additional clarification, or to deny the request. In instances where the nature of a participant’s interest was not clear or whether it might be a request from a non-customer, PA discussed the issue with TransWest and contacted the party to gather more information or to clarify the need for transmission capacity.

Eight parties requested registration and PA Consulting recommended to TransWest that it approve six requests and deny two requests for registration. The recommendation to deny two parties’ registration requests was based on PA Consulting’s determination that the entities were not valid potential customers. One party was a consultant whose stated interest in the project was to obtain information on behalf of a client. Moreover, this consultant did not respond to a request for additional information. The other party was a construction firm intending to submit a bid to construct the TWE Project. TransWest agreed to follow PA’s recommendations.

Once an interested party was approved as a Registered Participant, TransWest executed the MCA that was provided by the party. This MCA was sent to PA and then shared with the Registered Participant for their records. As a result, TransWest entered into MCAs with the six parties that PA recommended for registration.

Table 3-2 below provides a list of Registered Participants,

**Table 3-1: Registered Participants**

Company
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Power Company of Wyoming
[REDACTED]

PA then provided these Registered Participants with access to the confidential/non-public portion of the OS Website and the documents located there. See Section 2.2.2 above.

### 3.2 SEEKING TRANSMISSION CAPACITY – THE STATEMENT OF INTEREST FORM

To engage in negotiations with TransWest for capacity on the TWE Project, Registered Participants were required to submit a completed Statement of Interest form. If a participant was interested in more than one Product, they were instructed to submit a separate Statement of Interest form for each Product. See *Exhibit 12, Statement of Interest Form*.

Statements of Interest and associated documents were due August 6, 2021 at 5:00 p.m. MDT. The Statement of Interest required Registered Participants to identify the Product or Products they were interested in, the amount of capacity, transmission service term, customer type (generation or non-generation) and other information to be used by PA Consulting to evaluate eligibility and to rank eligible Registered Participants. *Id.*

Generation customers were required to describe the electrical generation facility that would produce energy to be transmitted on the TWE Project, whether they would directly interconnect to the TWE Project or deliver energy via a third-party, the expected dates of completion for certain developmental milestones, and the date the facility would commence transmission service on the TWE Project. *Id. at Generation Customers Tab*. Additionally, generation customers were required to complete a Permitting and Site Control Worksheet that detailed the status of relevant permits for any generation facilities and site control for any direct interconnection. See *Exhibit 13, Permitting and Site Control Worksheet*.

Non-generation customers were required to describe their organization and explain their need for transmission service, identify the TWE Project point of delivery and any third-party transmission systems that would be used to deliver electricity to end-use customers, as well as any current or necessary regulatory approvals required to commence service on the TWE Project. See *Exhibit 12, Statement of Interest Form at Non-Generation Customers Tab*.

All Registered Participants submitting a Statement of Interest were required to provide certain financial information, including whether they intended to designate a Customer’s Guarantor as defined in the Customer Agreement and provide evidence of creditworthiness. Registered Participants submitting a Statement of Interest were then required to make five certifications that were used by PA in evaluating eligibility under eligibility criteria (a) and (b) discussed in Section 3.4 below. Finally, parties were asked to submit a redlined form of the Customer Agreement and any other documentation relevant to their interest in the designated Transmission Product.

The information requested in the Statement of Interest was organized in such a way as to facilitate PA’s eligibility evaluation. PA screened the Statements of Interest received from Registered Participants against the previously disclosed eligibility criteria to determine whether they met the eligibility requirements.

If any Statement of Interest was incomplete or required additional information, the submitting party was given the chance to supplement it. PA’s subsequent final review ensured that it applied the same minimum standard of completeness to all Statements of Interest that were submitted.

Table 3-2 below provides the list of Registered Participants identifying those who submitted a Statement of Interest.

**Table 3-2: Registered Participants Submitting a Statement of Interest**

Company	Statement of Interest
[REDACTED]	No
[REDACTED]	No
[REDACTED]	No
[REDACTED]	Yes
Power Company of Wyoming	Yes
[REDACTED]	No

Two companies – Power Company of Wyoming (PCW) and [REDACTED] – submitted Statements of Interest, with each party expressing interest in both the Wyoming to Utah, and the Wyoming to Nevada Transmission Products. Table 3-3 below summarizes the transmission service requested in the four Statements of Interest that were submitted.

Table 3-3: Statements of Interest Details

Company	Product	Capacity	Term
██████████	Both	500 MW	30yrs
Power Company of Wyoming	Both	1,620 MW	30yrs

### 3.3 ISM'S INTERACTION WITH REGISTERED PARTICIPANTS

During the TWE Project Open Solicitation PA handled all the interaction with and communication to Registered Participants.

#### 3.3.1 Communications Prior to Submission of Statements of Interest

When PA received questions from Registered Participants, the questions and responses were posted to the OS Website as detailed in Section 2.2.1. Even questions pertaining to confidential documents, such as the Customer Agreement form, were posted publicly in the FAQ section of the OS Website due to non-confidential nature of the question and response. As a result, all of the questions and the responses were posted to the FAQ section of the OS Website.

During the process PA communications occurred primarily with PCW and ██████████. The other four Registered Participants were either silent or submitted only brief questions which were answered and posted to the website.

#### 3.3.2 Communications After Submission of Statements of Interest

Once PCW and ██████████ submitted the four Statements of Interest (one each for both Products from each party), PA reviewed them to ensure that the parties had provided all of the information required for PA to make the eligibility determination. An initial review of the Statements of Interest revealed that ██████████ had mistakenly submitted two Statements of Interest for the Wyoming to Utah Product, as opposed to one for each Product. PA notified ██████████ of this error and ██████████ quickly corrected it.

Upon a more fulsome review of the two Statements of Interest received from ██████████, PA determined that they were not complete with respect to satisfying two eligibility criteria. First, their ability to interconnect to a TWE Project interconnection point or interconnection with a third-party system (criterion d), and second, an investment grade credit rating or other demonstration of creditworthiness (criterion e). See *Exhibit 16, Final Eligibility Worksheets*. A listing of the five eligibility criteria is provided below in Section 3.4.

Specifically, ██████████ did not provide any information for how it would either directly interconnect with the TWE Project, or alternatively, secure third-party transmission service to a TWE Project interconnection point. Additionally, ██████████ did not provide evidence of creditworthiness.

On August 12, 2021 PA contacted ██████████ to notify them that based upon PA's initial review their Statements of Interest were deemed ineligible. In its communication to ██████████, PA

asked five clarifying questions that pertained to criterion d) and also informed █████ that they would need to provide evidence of an investment grade credit rating or alternative evidence of creditworthiness (criterion e). █████ responded on August 16 but did not provide the required evidence of creditworthiness. Copies of this correspondence is included in *Exhibit 18, Communication with Submitting Parties*.

PCW's Statement of Interest was complete except for the signature page that accompanied both Statements of Interest. PA contacted PCW and provided them the opportunity to submit the signature page, which PCW submitted. Once final responses to questions and any outstanding documentation were received, PA proceeded with the eligibility determination. *Id.*

### 3.4 ISM DETERMINED ELIGIBILITY BASED ON THE ELIGIBILITY CRITERIA

Among the six Registered Participants, two submitted Statements of Interest – █████ and PCW. Both parties submitted two Statements of Interest, one for each Product offered. PA screened the submissions for eligibility based on the five criteria listed in TransWest's amended Section 205 filing and approved in FERC's Order on TransWest's Application:<sup>8</sup>

- a) Readiness to commit, i.e., the customer's commitment to pursue a customer agreement within TransWest's designated negotiation window as set forth in the Notice;
- b) Commitment to pay a non-refundable deposit upon execution of a customer agreement;
- c) A firm transmission service request for at least 300 MW of capacity of either primary product for at least 20 years;
- d) The ability of the entity to directly interconnect to a TWE Project interconnection point or interconnection with a third-party system, and the ability to secure third-party firm transmission service on an existing transmission system to deliver to or receive from a TWE Project interconnection point; and
- e) An investment-grade credit rating or alternative evidence of creditworthiness.

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<sup>8</sup> TransWest Express LLC, *Amendment to Application for Authority to Sell Transmission Service Rights at Negotiated Rates, Request for Approval of Capacity Allocation Process, and Request for Waivers and Request for Shortened Comment Period*, Docket ER21-645, February 5, 2021, pp. 4-5.



PA determined eligibility based on the information submitted in the Statements of Interest by screening the information against the eligibility criteria. If PA was unable to conclusively determine whether a particular criterion was satisfied it requested clarification or additional information from the submitting Registered Participant.

As described above in Section 3.3.2 both of [REDACTED] Statements of Interest were initially determined to be ineligible for failing to satisfy criteria d) and e). [REDACTED] was afforded an opportunity to amend its Statements of Interest and submit additional information. [REDACTED] responded to PA's request; however, [REDACTED] was unable to provide evidence of any ability to connect to or deliver energy to the TWE Project using third-party transmission, and [REDACTED] also stated it did not have an investment grade credit rating and failed to provide alternative evidence of creditworthiness. With respect to criterion e), [REDACTED] simply stated the following:

[REDACTED]

See *Exhibit 18, Communication with Submitting Parties*. In light of the response received from [REDACTED], PA determined that the company was ineligible to participate in the third step of the Open Solicitation, bilateral negotiations with TransWest. On August 20, 2021 PA Consulting notified [REDACTED] they were ineligible. *Id.*

Upon receipt of the signature page, PA determined that PCW's Statements of Interest, were complete. Nevertheless, PA sought clarification on points related to PCW's planned interconnection with the TWE Project, including permitting and site control issues, and pending permits. PCW provided detailed responses to both questions. Upon review of PCW's final Statements of Interest and response to PA's questions, the company was deemed eligible to participate in the third step of the Open Solicitation, bilateral negotiations with TransWest. On August 20, 2021 PA Consulting notified PCW they were eligible for consideration. *Id.*

After completing the eligibility screening for [REDACTED] and PCW, PA notified the other four Registered Participants that eligibility screenings were complete and that because they had not submitted Statements of Interest, they were ineligible for consideration to participate in bilateral negotiations with TransWest.

### 3.5 RANKING POTENTIAL CUSTOMERS' ELIGIBLE STATEMENTS OF INTEREST

Despite the fact that only one Registered Participant was deemed eligible, PA nonetheless ranked both Statements of Interest PCW submitted.

Following the eligibility determination PA scored the one eligible bid for each Product from PCW based on the six criteria listed in amended Section 205 filing<sup>9</sup> and approved in FERC's Order on TransWest's Application:

- (a) Level of Creditworthiness: Reduction in counterparty risks by entering into contracts with customers with the highest level of creditworthiness and/or credit support;
- (b) Larger Capacity Reservations: Maximize support for the full project by executing larger capacity reservations that utilize the HVDC segment and one or two of the linked HVAC segments;
- (c) Longer Term of Service: Securing of long-term revenues by obtaining customer commitments with longer terms;
- (d) Project Risk-Sharing: Ability to provide financial commitments during the TWE Project development cycle and the term of any customer agreement;
- (e) Access to TWE Project Substation: Reduction of the risk that customers will not be able to access the TWE Project by selecting customers that can directly interconnect to a TWE Project interconnection point or have secured TSAs to a TWE Project interconnection point;
- (f) Generation Customers: Reduction of project-on-project development risk by entering into contracts with customers based upon completion of generation development milestones and generation commercial operation date (under construction or shovel-ready); and
- (g) Non-Generator Customers: Reduction of development risk by evidence of need for capacity, ability to obtain any required regulatory approvals, and the timing of transmission service commencement date.

The Statements of Interest from PCW were independently evaluated and scored by two PA employees staffed on the TWE Project Open Solicitation. Both employees arrived at identical scores for both of PCW's Statements of Interest with both PA employees scoring them a total of 94 points out of a possible 100 points.

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<sup>9</sup> *Id.* at pp. 5-6.

On August 23, 2021 PA notified TransWest that it had completed the eligibility, scoring, and ranking process. PA informed TransWest that Statements of Interest were received from two parties with each party submitting two Statements of Interest, one for each Product. PA notified TransWest that in applying the eligibility criteria, it had determined that one party was ineligible. PA determined that the remaining party, PCW, was eligible to proceed to bilateral negotiations with TransWest on both Statements of Interest it had submitted. See *Exhibit 17, Final Eligibility Worksheets*.

## 4 CONCLUSION

TransWest retained PA Consulting to serve as the ISM for the TWE Project Open Solicitation. PA fully met all of its responsibilities including: (1) widely publishing the notice of open solicitation; (2) managing the OS Website; (3) providing project and process information to interested parties; (4) screening potential customers based on the eligibility criteria; (5) ranking eligible customers based on previously disclosed ranking criteria; and (6) preparing this comprehensive post-allocation disclosure report to the Commission for inclusion in TransWest's compliance filing.

During the TWE Project Open Solicitation six companies became Registered Participants and two companies, [REDACTED] and PCW, submitted Statements of Interest for each of the designated Transmission Products. PA reviewed all four Statements of Interest and screened them against the eligibility criteria approved by FERC. PA determined that [REDACTED]'s Statements of Interest were ineligible for failing to satisfy two eligibility criteria. PA provided [REDACTED] with the opportunity to cure the deficiencies in its Statements of Interest, which it failed to do. PA determined that PCW's Statements of Interest did meet the eligibility criteria. Although PCW was the only party determined to be eligible to participate in bilateral negotiations with TransWest, PA ranked or scored PCW's Statement of Interest for each Product. Although PCW was the only eligible party, it also scored highly on the ranking criteria.

As the ISM, PA Consulting ensured that all parties participating in the TWE Project Open Solicitation were treated equally and in an un-biased manner, and that all parties were afforded equal access to information. Throughout the process, PA followed FERC's Order on TransWest's Application and applied the eligibility and ranking criteria approved in the Order in a non-preferential and non-discriminatory manner. PCW, an affiliate of TransWest, was treated in the same manner as every other participant, required to submit the same information and follow the same process. PA's evaluation of the Statements of Interest and determinations of eligibility were conducted in an open, fair, transparent, non-preferential, and non-discriminatory manner consistent with FERC requirements.



## About PA.

An innovation and transformation consultancy, we believe in the power of ingenuity to build a positive human future in a technology-driven world.

As strategies, technologies and innovation collide, we turn complexity into opportunity.

Our diverse teams of experts combine innovative thinking and breakthrough technologies to progress further, faster. Our clients adapt and transform, and together we achieve enduring results.

We are over 2,600 specialists in consumer, defence and security, energy and utilities, financial services, government, healthcare, life sciences, manufacturing, and transport, travel and logistics. And we operate globally from offices across the Americas, Europe, the Nordics and the Gulf.

**PA. Bringing Ingenuity to Life.**

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# EXHIBIT 1 - NOTICE OF OPEN SOLICITATION

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## NOTICE OF OPEN SOLICITATION

### TRANSWEST EXPRESS TRANSMISSION PROJECT

On **June 7, 2021**, TransWest Express LLC is launching its Open Solicitation for the initial allocation of transmission capacity on the TransWest Express Transmission Project (TWE Project or Project). PA Consulting, acting as Independent Solicitation Manager, will manage the Open Solicitation process. This Notice highlights key facts about the Open Solicitation and the Project. For more detailed information, including a technical description of the Project, specific interconnection points and endpoints, the eligibility criteria and ranking criteria, capacity allocation arrangements including potential oversubscription, and contact information, please refer to the Open Solicitation Information Memorandum for the TWE Project available on the Open Solicitation website, [www.transwestexpress-os.com/](http://www.transwestexpress-os.com/). A Statement of Interest form and form of Customer Agreement are available on the website for registered participants who have executed a Mutual Confidentiality Agreement.

#### The TWE Project

- New 732-mile high-voltage transmission line extending from Carbon County, Wyoming, to Clark County, Nevada.
- Interconnections in Wyoming, Utah, and Nevada.
- Project includes 3,000 MW HVDC line from Wyoming to Utah, and 1,500 MW HVAC line from Utah to Nevada.
- Construction anticipated to commence in 2022; in service as early as 2025.
- Developed by TransWest Express LLC, a wholly owned subsidiary of The Anschutz Corporation.

#### The Open Solicitation Process

- Federal Energy Regulatory Commission (FERC) approved TransWest's Open Solicitation process on February 26, 2021, 174 FERC ¶ 61,160, Docket No. ER21-645-000.
- Open Solicitation process will allocate up to 100% of TWE Project transmission capacity for two primary long-term firm point-to-point transmission service products.
- Available products are: (1) up to 1,500 MW Wyoming to Utah transmission service, and (2) up to 1,500 MW Wyoming to Nevada transmission service.
- PA Consulting, as Independent Solicitation Manager, will determine applicant eligibility and ranking based on FERC-approved criteria.
- TransWest Express LLC will engage in bilateral negotiations for the transmission service products with eligible, highly-ranked potential customers identified by PA Consulting.

#### Deadlines

- Open Solicitation commences on June 7, 2021.
- Last day to submit a Statement of Interest for one or both of the transmission service products is August 6, 2021, at 5:00 p.m. Mountain Time.



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## Contact Information

- For information about the Open Solicitation process, please visit [www.transwestexpress-os.com](http://www.transwestexpress-os.com).
- Email any questions to the Independent Solicitation Manager, PA Consulting, at [2021TransWestOS@paconsulting.com](mailto:2021TransWestOS@paconsulting.com).
- For more information about the TWE Project, please visit [www.transwestexpress.net](http://www.transwestexpress.net).

## EXHIBIT 2 - TRANSWEST EXPRESS LLC PRESS RELEASE

Posted on and distributed through Business Wire. Additionally, press release was distributed to over 1,200 subscribers on TransWest Express' website email mailing list.





## Initial Capacity Allocation Process Begins for Interregional TransWest Express Transmission Project

June 07, 2021 12:15 PM Eastern Daylight Time

DENVER--(BUSINESS WIRE)--With key permits secured, labor partnerships in place and nearly all rights-of-way acquired, the TransWest Express Transmission Project is commencing its initial capacity allocation process.

Through an Open Solicitation kicking off today, independent developer TransWest Express LLC is soliciting interest in the TWE Project from potential customers for two primary long-term firm transmission service products: up to 1,500 MW Wyoming to Utah point-to-point service, and up to 1,500 MW Wyoming to Nevada point-to-point service. Each of these products will provide transmission service from Wyoming to market off-take points in Utah and Nevada.

The Open Solicitation is being managed by an independent solicitation manager, PA Consulting. The TWE Project Open Solicitation website at [www.transwestexpress-os.com](http://www.transwestexpress-os.com) includes extensive project and process details. A Statement of Interest form also is available for potential transmission customers to submit to PA Consulting within 60 days. The allocation process was approved by the Federal Energy Regulatory Commission in a [Feb. 26 order](#).

The TWE Project is a high-voltage interregional transmission system designed to extend from Carbon County, Wyoming, to Clark County, Nevada, with an interconnection into the Intermountain Power system in Millard County, Utah. The unique use of both HVDC and HVAC technology, along with the midpoint terminal, will increase the system flexibility and physical transmission capacity of the Western U.S. power grid.

The TWE Project also will assure that various Western electricity markets can access geographically diverse, complementary, high-capacity wind energy supplies available from Wyoming. This will help states and other entities to efficiently and cost-effectively meet their renewable portfolio standards and emissions reductions targets.

Since TransWest started its work on the TWE Project in 2008, the company has:

- Acquired nearly all of the rights-of-way for the 732-mile transmission route, including those over 99% of the privately owned lands.
- Completed major federal and state permitting milestones with the Bureau of Land Management, the U.S. Forest Service, the Bureau of Reclamation, the state of Wyoming and the state of Nevada.
- Obtained conditional use permits or other required county authorizations in all 14 counties.

- Entered into a Development Agreement with Western Area Power Administration, part of the U.S. Department of Energy.
- Entered into partnering agreements with the International Brotherhood of Electrical Workers and the International Union of Operating Engineers.
- Completed TWE Project reliability reviews through the Western Electricity Coordinating Council rating process.

“The TWE Project is essentially shovel-ready critical infrastructure that will materially advance national energy and economic interests,” said Bill Miller, president and CEO of TransWest. “This 500 kV electricity transmission investment will help modernize the Western power grid and make it more resilient, reliable and ready to facilitate the renewable energy that is needed to achieve federal, state and municipal goals.”

TransWest plans to build the HVDC system to provide 3,000 MW of transmission capacity, and the terminals in Wyoming and Utah will be constructed in two stages of 1,500 MW each to align with market demand. The first construction stage will take about three years, with commencement to be determined after the BLM Notice to Proceed is issued. The HVAC system constructed from Utah to Nevada is planned to provide 1,500 MW of transmission capacity.

When TWE Project construction begins, it will create hundreds of new direct jobs – such as heavy equipment operators, line workers, welders, electricians, environmental compliance monitors and more – in all four states hosting the TWE Project, along with supporting thousands of indirect and induced jobs across the value chain. Local sales/use tax payments made over the course of construction are estimated at over \$113 million to be paid across Wyoming, Colorado, Utah and Nevada.

The multiple benefits of new high-voltage transmission development like the TWE Project are underscored in a 2020 study produced for Congress by FERC staff, called “[Report on Barriers and Opportunities for High Voltage Transmission](#).”

For example, according to the FERC report, “High voltage transmission can improve the reliability and resilience of the transmission system by allowing utilities to share generating resources, enhance the stability of the existing transmission system, aid with restoration and recovery after an event, and improve frequency response and ancillary services throughout the existing system. High voltage transmission also provides greater access to location-constrained resources in support of renewable resource goals. It also offers opportunities to meet federal, state and local policy goals.”

The FERC report pointed to the TWE Project as an example of a specific State Policy Opportunity project that can help states achieve their renewable portfolio standards and goals.

As noted in the report, the TWE Project “would eventually provide 3,000 MW of transmission capacity to deliver wind energy generated in southern Wyoming to consumers in Arizona, Nevada, and southern California... If constructed, the TransWest Express could help deliver the renewable energy needed for Arizona, Nevada and California to achieve their RPSs of 15 percent by 2025, 25 percent by 2025, and 60 percent by 2030, respectively.”

Two-thirds of the TWE Project route lies on federal land primarily managed by the BLM. States and counties along the route participated in the federal environmental analysis process as cooperating agencies. They provided critical local knowledge to inform the preparation of an [Environmental Impact Statement](#) from 2009-2015 and the selection of the final route, as documented in the TWE Project [Record of Decision published by BLM in December 2016](#) and the [Record of Decision published by WAPA in January 2017](#).

For more information on TransWest and the TWE Project, visit [www.transwestexpress.net](http://www.transwestexpress.net).

For more information on the Open Solicitation, visit [www.transwestexpress-os.com](http://www.transwestexpress-os.com).

## Contacts

## EXHIBIT 3 - PA PRESS RELEASE

PA's press release as posted on and distributed through PR Newswire. Through this press release, the open solicitation was picked up by various websites with news stories created about the TWE project. These websites include: Transmission Hub, Renewables Now, Energy News Data, and North American Windpower.

# Open Solicitation Begins for the TransWest Express Transmission Project

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NEWS PROVIDED BY

**PA Consulting** →

Jun 07, 2021, 12:00 ET

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DENVER, June 7, 2021 /PRNewswire/ -- Today, PA Consulting as the Independent Solicitation Manager (ISM) announces the Open Solicitation for the initial allocation of transmission capacity on the TransWest Express Transmission Project (TWE Project), a 732-mile high-voltage interregional electric transmission system. The TWE Project is critical new transmission infrastructure that will deliver electricity generated by renewable resources and strengthen the power grid that serves the Western United States.

TransWest Express LLC (TransWest) has retained PA Consulting (PA), the global innovation and transformation consultancy, as the ISM for the Open Solicitation. Through the Open Solicitation, TransWest is seeking interest in the TWE Project from potential customers. The Open Solicitation will include two primary long-term, firm transmission service products: up to 1,500 MW Wyoming to Utah point-to-point service, and up to 1,500 MW Wyoming to Nevada service. Each of these products will provide transmission service from Wyoming to market off-take points in Utah and Nevada.

In the Open Solicitation, prospective transmission customers can seek transmission capacity on the TWE Project consistent with the product offering. FERC granted TransWest's request to sell transmission capacity at negotiated rates and approved the proposed capacity allocation process in an order dated Feb. 26, 2021, in Docket No. ER21-645-000.

As the ISM, PA Consulting will oversee the Open Solicitation, including communicating with interested parties, answering questions, collecting and evaluating Statements of Interest against the eligibility criteria, and ranking eligible entities using the objective criteria approved by FERC.

A Notice of Open Solicitation and Information Memorandum are available on the Open Solicitation website at [www.transwestexpress-os.com](http://www.transwestexpress-os.com). Completed Statements of Interest must be submitted to PA Consulting by 5 p.m. MT on August 6, 2021. Please contact the ISM at [2021TransWestOS@PAConsulting.com](mailto:2021TransWestOS@PAConsulting.com) for any questions or inquiries.

## **About PA Consulting**

Clients hire PA Consulting to anticipate the future, champion innovation, and unlock new potential in energy and utilities markets. PA has extensive experience as a monitor, evaluator and manager of U.S. utilities' processes for the purchase or sale of capacity and energy products, as well as utility resource planning processes.

We believe in the power of ingenuity to build a positive human future in a technology-driven world. As strategies, technologies and innovation collide, we create opportunity from complexity. Our diverse teams of experts combine innovative thinking and breakthrough use of technologies to progress further, faster. Our clients adapt and transform, and together we achieve enduring results. An innovation and transformation consultancy, we are 3,300 specialists in consumer and manufacturing, defence and security, energy and utilities, financial services, government and public services, health and life sciences, and transport. Our people are strategists, innovators, designers, consultants, digital experts, scientists, engineers and technologists. We operate globally from offices across the UK, US, Netherlands and Nordics. Discover more at [paconsulting.com](http://paconsulting.com) and connect with PA on LinkedIn and Twitter. **PA. Bringing Ingenuity to Life.**

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# EXHIBIT 4 - PA SOCIAL MEDIA POSTS

PA Tweet on June 7, 2021



**Tweet**

 **PA Consulting** @PA\_Consulting

We're the Independent Solicitation Manager for the Open Solicitation for the initial allocation of transmission capacity on the TransWest Express Transmission Project. Read more about the solicitation >> [ow.ly/41Z550F4IQM](https://ow.ly/41Z550F4IQM)

10:20 AM · Jun 7, 2021 · Hootsuite Inc.

1 Retweet

Reply Retweet Like Share

PA Tweet on August 2, 2021



 **PA Consulting** @PA\_Consulting · Aug 2

We're the Independent Solicitation Manager for the Open Solicitation for the initial allocation of transmission capacity on the TransWest Express Transmission Project. Read more about the solicitation >> [ow.ly/Vgcg50FIKap](https://ow.ly/Vgcg50FIKap)



Reply Retweet Like Share

PA Tweet on August 4, 2021



**PA Consulting** @PA\_Consulting · Aug 4

...

We're the Independent Solicitation Manager for the Open Solicitation for the initial allocation of transmission capacity on the TransWest Express Transmission Project. Submit your Statement of Interest for transmission capacity before 6 August >> [ow.ly/Vgcg50FIKap](https://ow.ly/Vgcg50FIKap)



PA Tweet on August 5, 2021



**PA Consulting** @PA\_Consulting · 4h

...

We're the Independent Solicitation Manager for the Open Solicitation for the initial allocation of transmission capacity on the TransWest Express Transmission Project. Submit your Statement of Interest for transmission capacity before 6 August >> [ow.ly/Vgcg50FIKap](https://ow.ly/Vgcg50FIKap)



# EXHIBIT 5 - PAID ADVERTISEMENTS

Advertisements on Utility Dive's website – having ran the week of June 21, 2021

## THE LATEST



### 'Reports of energy efficiency's death are greatly exaggerated.' The cost keeps falling as the resource grows

Energy efficiency can be the least-cost resource in a procurement, and it is increasingly helping utilities select and optimize clean energy portfolios, experts say.

Efficiency & Demand Response



OPINION

### The hydrogen molecule's 'moonshot' moment

Hydrogen has the potential to help enable "our generation's moonshot" – economy-wide decarbonization, the author writes.

Generation



### New York scrutiny: National Grid faces bribery investigation; revenues docked for Con Edison, NYSEG, RG&E

Regulators are launching an investigation into National Grid's upstate gas operations and lowering other utility revenues for failure to meet performance metrics.

Transmission & Distribution



### North Carolina legislature retools Duke-backed bill after Dems, governor protest weakened oversight

The legislation is a high priority for Duke Energy, one of few stakeholders allowed in closed-door negotiations on the initial text.

Generation

**TransWest Express Transmission Project**  
Open Solicitation is Underway

Transmission service products, technical specifications, project status, objective criteria, the Statement of Interest form, and additional process details can be found at [www.transwestexpress-os.com](http://www.transwestexpress-os.com)

**Statements of interest must be received by August 6, 2021**

Submit all questions to the Independent Solicitation Manager at 2021TransWestOS@PACONSULTING.COM

[www.transwestexpress-os.com](http://www.transwestexpress-os.com)



### San Diego, Houston detail paths for cities to purchase renewable energy

Meeting clean energy goals can require different tools, like community choice aggregation and renewable energy certificates, EPA and city officials say.

Solar & Renewables



### US grid needs overhaul to keep up with renewable revolution, says GE exec, Sen. Heinrich

**TransWest Express Transmission Project**  
Open Solicitation is Underway

Transmission service products, technical specifications, project status, objective criteria, the Statement of Interest form, and additional process details can be found at [www.transwestexpress-os.com](http://www.transwestexpress-os.com)

**Statements of interest must be received by August 6, 2021**

Submit all questions to the Independent Solicitation Manager at 2021TransWestOS@PACONSULTING.COM

[www.transwestexpress-os.com](http://www.transwestexpress-os.com)

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- 'An unprecedented mess': DC Circuit rejects FERC approval of existing Spire gas pipeline
- New York scrutiny: National Grid faces bribery investigation; revenues docked for Con Edison, NYSEG, RG&E
- 'Reports of energy efficiency's death are greatly exaggerated.' The cost keeps falling as the resource grows
- North Carolina legislature retools Duke-backed bill after Dems, governor protest weakened oversight
- Bipartisan \$975B infrastructure proposal alarms EV advocates with annual surcharge on vehicles

## LIBRARY

- PLAYBOOK**  
Voltage Optimization Speeds Progress Toward Decarbonization
- SURVEY REPORT**  
What Utilities Know (And Don't Know) About EV Drivers
- PLAYBOOK**  
5 Risks Utilities Can't Afford to Ignore in 2021





## CPUC ditches natural gas in 11.5 GW proposal but leaves door open for future fossil fuel procurement

Regulators want further analysis of the potential reliability impacts before asking for additional fossil fuel procurement, they said in a new version of the proposed decision. [Read more →](#)

### TOP STORIES

1. **Consumers Energy to end Michigan coal use by 2025, but critics wary of plan to buy existing gas plants**
2. **Why are solar PPA prices creeping upward? It's complicated, experts say**
3. **Satellites could be a game-changer for storm recovery – utilities should take a fresh look**
4. **House passes broad bipartisan measure to help states fund energy cybersecurity efforts**
5. **'An unprecedented mess': DC Circuit rejects FERC approval of existing Spire gas pipeline**

### THE LATEST



#### 'Reports of energy efficiency's death are greatly exaggerated.' The cost keeps falling as the resource grows

Energy efficiency can be the least-cost resource in a procurement, and it is increasingly helping utilities select and optimize clean energy portfolios, experts say.

[Efficiency & Demand Response](#)



#### OPINION The hydrogen molecule's 'moonshot' moment

Hydrogen has the potential to help enable "our generation's moonshot" – economy-wide decarbonization, the author writes.

[Generation](#)



#### New York scrutiny: National Grid faces bribery investigation; revenues docked for Con Edison, NYSEG, RG&E

Regulators are launching an investigation into National Grid's upstate gas operations and lowering other utility revenues for failure to meet performance metrics.

[Transmission & Distribution](#)



#### North Carolina legislature retools Duke-backed bill after Dems, governor protest weakened oversight

The legislation is a high priority for Duke Energy, one of few stakeholders allowed in closed-door negotiations on the initial text.

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'An unprecedented mess': DC Circuit rejects FERC approval of existing Spire gas pipeline

2.

New York scrutiny: National Grid faces bribery investigation; revenues docked for Con Edison, NYSEG, RG&E

The Utility Dive advertisements can be seen as displayed during the paid advertisement placement, below:

**TransWest Express Transmission Project  
Open Solicitation is Underway**

Transmission service products, technical specifications, project status, objective criteria, the Statement of Interest form, and additional process details can be found at [www.transwestexpress-os.com](http://www.transwestexpress-os.com)

**Statements of Interest must be received by August 6, 2021**

Submit all questions to the Independent Solicitation Manager at [2021TransWestOS@PACONSULTING.COM](mailto:2021TransWestOS@PACONSULTING.COM)

 [www.transwestexpress-os.com](http://www.transwestexpress-os.com) 

**TransWest Express  
Transmission Project  
Open Solicitation is Underway**

Transmission service products, technical specifications, project status, objective criteria, the Statement of Interest form, and additional process details can be found at [www.transwestexpress-os.com](http://www.transwestexpress-os.com)

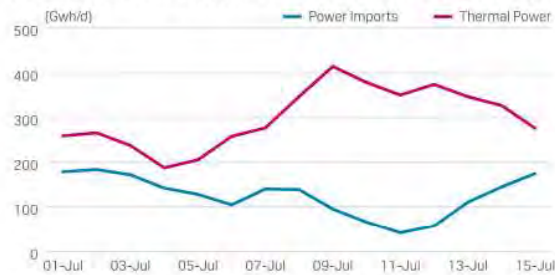
**Statements of Interest must be received by August 6, 2021**

Submit all questions to the Independent Solicitation Manager at [2021TransWestOS@PAConsulting.com](mailto:2021TransWestOS@PAConsulting.com)



Megawatt Daily intext advertisements – having ran on July 19, 2021 and July 23, 2021

**THERMAL GENERATION vs POWER IMPORTS IN CAL-ISO FOOTPRINT**



Source: S&P Global Platts Analytics

Thermal generation was called on to make up for the loss of power imports and overall higher demand conditions, ramping up to average around 365 MWh/d during the second week of July from around 240 MWh/d for the first week. California has only one coal-fired power plant in operation, making the ISO’s category of “thermal generation” largely refer to natural gas.

The Bonneville Power Administration by July 13 had restored power transmission capacity, leading to a recovery in Pacific Northwest-to-Southern California power exports.

**Outlook**

In addition to the ongoing threat to power transmission from the Oregon wildfire, the availability of more gas-fired power generation capacity than previously expected has increased the odds that the SoCal Gas city-gate summer strip will continue to strengthen in the near term.

The 648-MW Russell City Energy Center in Hayward, Calif., has been sidelined since late May, unable to kick in much-needed capacity during a series of severe heat waves that hit California and the entire

Advertisement

**TransWest Express  
Transmission Project  
Open Solicitation is Underway**

Two primary long-term, firm transmission service products are available through an initial capacity allocation process:

- Up to 1,500 MW WY to UT point-to-point service
- Up to 1,500 MW WY to NV point-to-point service

Technical specifications, project status, objective criteria, the Statement of Interest form, and additional process details can be found at [www.transwestexpress-os.com](http://www.transwestexpress-os.com)

**Statements of Interest must be received by August 6, 2021**

Submit all questions to the Independent Solicitation Manager at [2021TransWestOS@PAConsulting.com](mailto:2021TransWestOS@PAConsulting.com)

[www.transwestexpress-os.com](http://www.transwestexpress-os.com)

average output as today and going to the maximum,” PJM staff said.

Those are things that can be discussed in this task force and PJM plans to open discussions around generating deliverability planning in the Planning Committee, the staff member said.

— *Jared Anderson*

**More transmission could have saved over \$1B amid February blackouts, report says**

- ERCOT, TVA ties would provide major benefits
- Chatterjee favors approach like Texas CREZ

Additional electric transmission infrastructure could have saved US consumers more than \$1 billion during a mid-February winter storm that brought the Texas power grid to the brink of collapse, according to a report released July 22 by the American Council on Renewable Energy.

The report comes as US policymakers grapple with the need for more electric transmission build-out as the nation experiences a growing number of climate change-driven extreme weather events that have challenged grid operators’ ability to keep the lights on. It was authored by Michael Goggin, vice president of Grid Strategies, LLC, a power-sector consulting firm focused on integrating clean energy resources onto the US power system.

Among its main findings, the report found that each additional GW of transmission ties between the grids operated by the Electric Reliability Council Of Texas Inc. and the Tennessee Valley Authority would have saved consumers \$993 million during the mid-February event.

Advertisement

**TransWest Express  
Transmission Project  
Open Solicitation is Underway**

Two primary long-term, firm transmission service products are available through an initial capacity allocation process:

- Up to 1,500 MW WY to UT point-to-point service
- Up to 1,500 MW WY to NV point-to-point service

Technical specifications, project status, objective criteria, the Statement of Interest form, and additional process details can be found at [www.transwestexpress-os.com](http://www.transwestexpress-os.com)

**Statements of Interest must be received by August 6, 2021**

Submit all questions to the Independent Solicitation Manager at [2021TransWestOS@PAConsulting.com](mailto:2021TransWestOS@PAConsulting.com)

[www.transwestexpress-os.com](http://www.transwestexpress-os.com)

## EXHIBIT 6 - EMAIL DISTRIBUTION LIST

This was the email list PA utilized for distribution of notice that the open solicitation had commenced. The email addresses for which PA received a response back that the message was undeliverable (or some other error message) have not been included in this list.

Entity	Name	Title
California Energy Markets	Jason Fordney	
E&E News	Peter Behr	
LA Times	Sammy Roth	
Salt Lake Tribune	Brian Maffly	
Utility Dive	Robert Walton	
Wall Street Journal	Russel Gold	
American Clean Power Association	Tom Darin	Western Region Director
CalCCA	Beth Vaughn	Executive Director
Interwest Energy Alliance	Rikki Seguin	Executive Director
California Energy Commission	Natalie Lee	Deputy Director
California Public Utility Commission	Simon Baker	Director for Costs, Rates and Planning, Energy Division
Colorado Energy Office	Will Toor	Director
Nevada Governor's Office of Energy	David Bobzein	Director
Nevada Public Utility Commission	Paul McGuire	Engineering Manager
Utah Governor's Office of Energy Development	Thom Carter	Director
Wyoming Energy Authority	Dr. Glen Murrell	Director
California Independent System Operator	Neil Millar	Vice President, Transmission Planning and Infrastructure Development
Northern Tier Transmission Group	Dave Angell	Vice President, Regional Transmission
Southwest Power Pool	Kara Fornstrom	Director State Regulatory Policy
WestConnect	Heidi Pacini	WestConnect Project Manager
Western Electricity Coordinating Council	Melanie Frye	President and Chief Executive Officer
Areva Power	Mark Boyadjian	Managing Partner
Avangrid	Mark Stacey	Director, Business Development
Baywa	Florian Zerhusen	President and Chief Operating Officer
Blue Castle Holding	Aaron Tilton	President and Chief Executive Officer
BluEarth Renewables	Daryl Scheerer	
ConnectGen	Deby Forry	

<b>Entity</b>	<b>Name</b>	<b>Title</b>
Enyo Renewable Energy	Christine Mikell	CEO
Guzman Energy	Andrew Heinlen	Director Origination
Innergex	Stephanie Williams	
Intermountain Wind	Paul Martin	President
Invenergy LLC	Bo Alley	
National Grid Renewables	Lindsay Smith	
NextEra Energy Resources	Ryan Fitzpatrick	Director, Development
Orstead	Charles Smith	
Orstead	Vishal Kapadia	
Power Company of Wyoming	Ryan Jacobson	Director, Engineering and Construction
Shell	Cody Sutton	
LS Power	Mark Millburn	Vice President
Pattern Energy	Cary J. Kottler	Vice President, North American Development
GridFlex	Matt Shapiro	CEO
Magnum	Mike Etringer	Chief Commercial Officer
Mitsubishi Hitachi	Kellen Walters	Regional Director, Rocky Mountain Region
Burbank Water & Power	Scott Mellon	Acting Power Resources Manager – Power Supply
California Community Power	Tom Habashi	Member
California Department of Water Resources	Chuck Toney	Manager Energy Commodity Office
City of Anaheim	Charles Guss	Senior Intergrated Resource Planner
Clean Power Alliance of Southern California	Ted Bardacke	Executive Director
Clean PowerSF	Purchasing	Power Purchasing
East Bay Community Energy	Howard Chang	COO
Imperial Irrigation District	Scott Harding	Supv., Resource Planning & Acquisition
Monterey Bay Community Power	Tom Habashi	Chief Executive Office
Northern California Public Power Agency	Randy Howard	General Manager
Peninsula Clean Energy	Jan Pepper	CEO

<b>Entity</b>	<b>Name</b>	<b>Title</b>
Southern California Public Power Agency	Randy Krager	Project Development Manager
Utah Associated Municipal Power System	Douglas Hunter	Chief Executive Officer
Amazon Web Services	Nat Sahlstrom	Senior Manager, Energy Strategy and Procurement
Ares Management	Steve Porto	
Ares Management	Anthony Omokha	
Arizona Public Service	Brian Cole	General Manager Resource Management
BlackRock	Anushka Haldar	
BlackRock	George Zachary	
BlackRock	Michael Ott	
Brookfield Renewables	Mitchell Davidson	
Brookfield Renewables	Sachin Shah	
Bullen Law	Linda Bullen	
Chevron	Daniel Droog	
Chevron	Eric Broussard	
Facebook	Urvi Parekh	Energy Procurement
GIC	David Rivera	
GIC	Girish Karira	
Google	Will Conkling	Energy Global Infrastructure
I Squared Capital	Daniel Fein	
I Squared Capital	Mark Woodruff	
I Squared Capital	Thomas Lefebvre	
Intermountain Power Agency	Greg Huynh	IPA Operating Agent
Los Angeles Department of Water and Power	James Barner	Assistant Director Clean Grid LA Strategy Division
Los Angeles Department of Water and Power	Louis Ting	Director Power Planning and Development
Duke Energy	Spence G Hanes Jr.	
EDF Renewables	Ryan Pfaff	Executive Vice President
Enel	Charlie Grant	Manager, Acquisitions and Structuring
Engie North America	Neil MacTiernan	

<b>Entity</b>	<b>Name</b>	<b>Title</b>
Los Angeles Department of Water and Power	Paul Schultz	Director Power External Energy Resources
Los Angeles Department of Water and Power	Reiko Kerr	Senior Assistant General Manager - Power System Engineering, Planning, and Technical Services
Microsoft	Ryan Gaspar	
NV Energy	Brenda Shank	Manager Renewable Energy
NV Energy	Dave Ulozas	Senior Vice President for Renewables and Origination
NV Energy	David M. Sims	Manager, Renewables Renewable Energy
NV Energy	Sachin Verma	Transmission and Distribution Planning Director
NV Energy	Shane Pritchard	Sr Project Manager, Resources
Pacific Gas & Electric	Fong Wan	Senior Vice President Energy Policy and Procurement
PacifiCorp	Paul Johnson	Origination Resource & Commercial Strategy
PacifiCorp	Richard Vail	Vice President, Transmission
PacifiCorp	Ron Scheirer	Director Valuation & Commercial Business
Salt River Project	Barry Petrey	Acquisition Manager, Resources
San Diego Gas & Electric	Dan Baerman	Director Of Origination and Portfolio Design
Temasek	Pieter Houllberghs	
Tenaska Power Services	Curry Aldridge	VP Origination
Toyota Motor North America	David Absher	Sr. Manger Environmental Sustainability
TPG	Jonathon Garfinkel	
Tri-State G&T	Susan Hunter	Business Development Manager
Tucson Electric Power	Michael Bowling	Director, Energy Trading Wholesale Marketing
Vitol	Magdalena Bujnowska	
Western Area Power Administration	Tracey LeBeau	Interim Administrator and Chief Executive Officer
Western Area Power Administration	John Bremer	
Xcel Energy	Tara Fowler	Manager, Renewable Energy Power Purchases
Redding Electric Utility	Dan Beans	Electric Utility Director
Redwood Coast Energy Authority	Jocelyn Gwynn	Manager of Power Resources
Sacramento Municipal Utility District	Cesar Beltran	Sr Commodity Contracts Specialist
Silicon Valley Clean Energy	Monica Padilla	Director of Power Resources

# EXHIBIT 7 – OPEN SOLICITATION WEBSITE PAGES

**TWE Project Open Solicitation**    ABOUT    REGISTER    CONFIDENTIALITY    DOCUMENTS    FAQs    CALENDAR    NEWS    CONTACT

## TransWest Express Transmission Project Open Solicitation

**Notice of Open Solicitation**  
Click [here](#) to access the formal Notice, which launches the process to allocate transmission capacity on the TWE Project.

**Open Solicitation calendar**  
Current deadlines for the process are [available here](#).

**Documents**  
This [library](#) contains a detailed Information Memorandum and all forms associated with the Open Solicitation.





# TransWest Express Transmission Project Open Solicitation



## Notice of Open Solicitation

[Click here](#) to access the formal Notice, which launches the process to allocate transmission capacity on the TWE Project.



## Open Solicitation Results

TransWest Express LLC has negotiated Customer Agreements with Power Company of Wyoming LLC. These Agreements allocate 100% of the TransWest Express Transmission Project transmission capacity offered in the Open Solicitation. This concludes the Open Solicitation process. The capacity allocation is subject to FERC acceptance of a post-allocation compliance

filing that is required by the February 2021 Order (ER21-645-000).



## Documents

This library contains a detailed Information Memorandum and all forms associated with the Open Solicitation.

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A background image showing a landscape with several high-voltage power transmission towers and power lines stretching across a valley. In the distance, there are blue-toned mountains under a clear sky. The word "About" is overlaid in the center in a large, white, sans-serif font.

# About

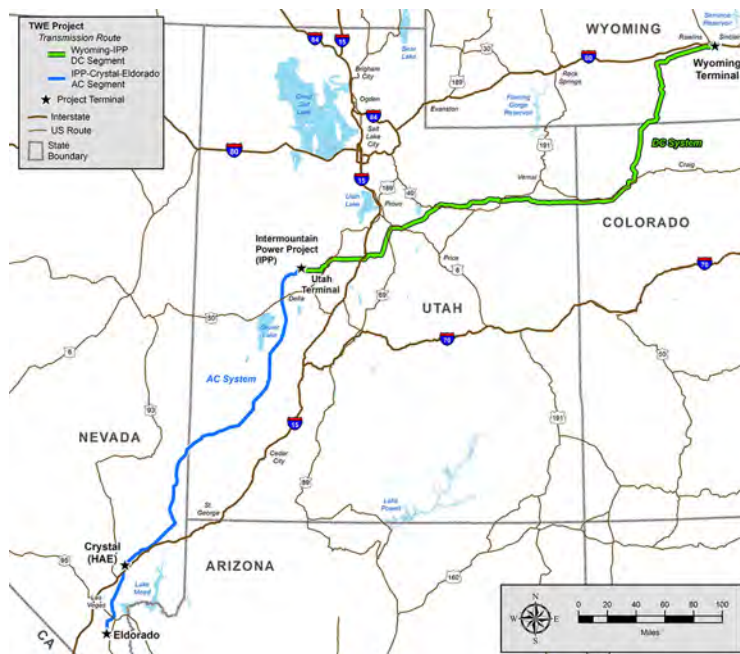
Through this website, PA Consulting, as Independent Solicitation Manager, will share relevant information and documents about the Open Solicitation process. Potential customers who wish to participate in the Open Solicitation must register in accordance with instructions on this website, including entering into a Mutual Confidentiality Agreement with TransWest Express LLC. [Register for more information.](#)

## About the TransWest Express Transmission Project

The TWE Project is a new high-voltage interregional transmission system primarily designed to deliver renewable wind energy from Wyoming to the Desert Southwest region (California, Nevada and Arizona). The Project's benefits include enhancing the stability of the existing transmission system, providing greater access to location-constrained generation resources, and assisting western states in meeting their renewable portfolio standards. The TWE Project is expected to be in service by late 2025.

The TWE Project includes a 3,000 MW high-voltage direct current (HVDC) system that will extend from Carbon County, Wyoming, to the existing Intermountain Power Project (IPP) 345kV switchyard near Delta, Utah, and a 1,500 MW high-voltage alternating current (HVAC) system that will extend from the TWE Project's HVDC terminal in Utah to southern Nevada.

More detailed information is available in the Open Solicitation [Information Memorandum](#), and on the [TWE Project website](#).



## About the available transmission service products

Two primary long-term firm transmission service products are available through this Open Solicitation. Each of these products will provide transmission service from Wyoming to market off-take points in Utah and Nevada. The two products are:

- Up to 1,500 MW Wyoming to Utah point-to-point service; and
- Up to 1,500 MW Wyoming to Nevada point-to-point service, with several delivery points available.

## About the Open Solicitation process

The Federal Energy Regulatory Commission (FERC) approved TransWest's Open Solicitation process on February 26, 2021. The FERC order is available [here](#).

In accordance with FERC's order, PA Consulting, as Independent Solicitation Manager, will manage the Open Solicitation process. PA's role will include sharing information, answering questions, registering potential customers, receiving Statements of Interest and supporting documents, screening registered participants for eligibility under the FERC-approved eligibility criteria, and ranking eligible participants under the FERC-approved ranking criteria. Then, TransWest will engage in phased bilateral negotiations with the highest-ranked eligible customers.

## Registration and Documents

Publicly available documents relating to the Open Solicitation are available [here](#). Confidential documents, including the Customer Agreement and indicative rate information, are accessible only to potential

including the Customer Agreement and indicative rate information, are accessible only to potential customers who execute a Mutual Confidentiality Agreement and complete the [registration process](#).

## Deadlines

The relevant deadlines are available on the [Calendar](#).

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# Register

Already registered? [Login](#).

## Reservation of Rights and Disclaimers

TransWest reserves the right, without limitation or qualification and in its sole discretion, to terminate or suspend this transmission capacity allocation process in whole or in part at any time. Further, without limiting the foregoing, TransWest reserves the right to reject any or all Statements of Interest that are incomplete or that fail to establish the potential customer's eligibility pursuant to the FERC-approved eligibility criteria. TransWest further reserves the right to decline to enter into any agreement with any potential customer for any reason, including but not limited to changes in regulations or regulatory requirements.

Potential customers who submit Statements of Interest or otherwise participate in this capacity allocation process do so without recourse against TransWest, its parent company, its affiliates and its subsidiaries, against any director, officer, employee, agent, or representative of any of them, and against the Independent Solicitation Manager, for any modification or withdrawal of this capacity allocation process, rejection of any Statement of Interest, failure to enter into an agreement, or for any other reasons relating to or arising out of this capacity allocation process.

## Registration

Potential transmission customers must register in order to participate in the Open Solicitation and access additional information on the Project and products offered. In order to become a Registered Participant, please complete the below Registration Form, as well as print and execute the [Mutual Confidentiality Agreement](#) and submit it to [2021TransWestOS@PAConsulting.com](mailto:2021TransWestOS@PAConsulting.com).

Only Registered Participants will be able to participate in the Open Solicitation. For additional Project

information, please see [About](#) and [Documents](#). No registration is necessary to review the non-confidential information that is available on this website.

PA Consulting is available to answer your questions.

Email: [2021TransWestOS@PAConsulting.com](mailto:2021TransWestOS@PAConsulting.com)

Phone: 720-476-8808

**Username**

**First Name**

**Last Name**

**Company**

**Email Address**

**Please describe the nature of your interest in acquiring transmission services.**

**Password**

**Confirm Password**

Register

Login

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A banner image showing a landscape with several high-voltage electrical transmission towers and power lines stretching across the scene. The sky is a clear, pale blue. The text 'Confidentiality policy' is overlaid in large white font.

# Confidentiality policy

The Open Solicitation will require TransWest Express LLC and registered participants seeking capacity on the TWE Project to share non-public confidential information. To protect such information, as part of the registration process, all registered participants will be required to execute a [Mutual Confidentiality Agreement](#) in the form provided.

At the conclusion of the Open Solicitation, TransWest must file a compliance filing with FERC. TransWest may, in its sole discretion, disclose any or all of a registered participant's confidential information to FERC as part of its FERC Compliance Filing and any related FERC hearings or proceedings, or as required by other federal or state law or regulation. TransWest will comply with the applicable procedures for protecting the confidentiality of such information.

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# Documents

## Documents available to the public

- [Notice of Open Solicitation](#)
- [Information Memorandum](#)
- [Mutual Confidentiality Agreement](#)
- [Registration form](#)
- [FERC's order approving TransWest's Open Solicitation process](#)
- [TWE Project website](#)

## Documents available to registered participants after entering into a Mutual Confidentiality Agreement

- Statement of Interest form
- Indicative Rate Information
- Customer Agreement
- Permitting and Site Control Worksheet

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## FAQs

PA Consulting will use this page to post answers to questions about the Open Solicitation process and documents available to the public. There will be an additional FAQ page available to registered participants. Check back often.

PA Consulting is available to answer your questions.

Email: [2021TransWestOS@PAConsulting.com](mailto:2021TransWestOS@PAConsulting.com)

Phone: 720-476-8808

**Q1: Is it possible to interconnect to the TWE Project's DC transmission line in Utah?**

**A1:** Only two transmission service products are being offered during the 2021 Open Solicitation – Wyoming to Utah and Wyoming to Nevada – both of which will originate at the Wyoming terminal. If there is capacity remaining after the initial allocation via the 2021 Open Solicitation, there could be additional transmission service products offered under the Open Access Transmission Tariff (OATT). Additional transmission service products offered under the OATT would be contingent upon remaining capacity.

**Q2: Does the location of a generation project that seeks to interconnect to the TWE Project and/or the technology of such generation project impact how a Statement of Interest will be received?**

**A2:** Statements of Interest must satisfy the eligibility criteria and will be ranked according to the evaluation criteria. Both sets of criteria are listed in Section III.E of the Information Memo posted on [www.transwestexpress-OS.com/documents](http://www.transwestexpress-OS.com/documents).

**Q3: We are developing a resource with [\_\_\_\_\_] technology located at/in [\_\_\_\_\_]. Should we respond to this solicitation?**

**A3:** We cannot make such judgments on behalf of a prospective participant.

**Q4: Is a certain stage of project development required in order to participate in the Open Solicitation?**

**A4:** Information regarding eligibility criteria is outlined in the TransWest Express Open Solicitation

Information Memorandum in Section III.E. No specific stage of development is required, but the progress of a project's development does factor into the ranking criteria when evaluating Statements of Interest.

**Q5: Is it correct that the Customer Agreement is primarily intended for both parties to agree to the major terms of the eventual transmission services agreement (TSA), and that not all technical details need to be fully defined at this time? For example, is it correct that the TSA will provide more information regarding the Point of Receipt (POR) and various Delivery Points (POD)?**

**A5:** The assumption is correct with respect to the intent of the TSA term sheet and the extent of technical details that need to be defined at this time. As outlined in the TSA term sheet, there are several technical details that will be addressed in the eventual TSA. Additional technical information on the POD/POR will be established as part of the various interconnection processes with other entities. These technical details will be made available and incorporated in the TSA in accordance to the pro forma OATT.

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# Calendar

Here are the current deadlines for the Open Solicitation process. TransWest may elect to extend some or all of the deadlines.

Event	Date
Open Solicitation launch.	June 7, 2021
Last day to submit a Statement of Interest.	August 6, 2021
PA Consulting to complete screening and ranking of registered participants and notify registered participants of eligibility determination.	August 20, 2021
Bilateral negotiation window opens.	August 23, 2021
Bilateral negotiation window closes.	October 22, 2021

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# Calendar

Here are the current deadlines for the Open Solicitation process. TransWest may elect to extend some or all of the deadlines.

## Event

## Date

---

Open Solicitation launch.

June 7, 2021

---

Last day to submit a Statement of Interest.

August 6, 2021

---

PA Consulting to complete screening and ranking of registered participants and notify registered participants of eligibility determination.

August 20, 2021

---

Bilateral negotiation window opens.

August 23, 2021

---

Bilateral negotiation window closes.

November 5, 2021

---

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A large background image showing a landscape with several high-voltage power line towers and their associated cables stretching across a valley. In the distance, there are low mountains under a clear sky. The word "News" is overlaid in the center of this image in a large, white, sans-serif font.

# News

News release: June 7, 2021

[Open Solicitation Begins for the TransWest Express Transmission Project](#)

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A background image showing several high-voltage power line towers and transmission lines stretching across a landscape with mountains in the distance under a clear sky. The word "Contact" is overlaid in large white text.

# Contact

As the Independent Solicitation Manager for the Open Solicitation process, PA Consulting is handling all related communications other than TransWest's direct communications with highly-ranked eligible registered participants during the negotiation window.

Email: [2021TransWestOS@PAConsulting.com](mailto:2021TransWestOS@PAConsulting.com)

Phone: 720-476-8808

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# EXHIBIT 8 - OPEN SOLICITATION INFORMATION MEMORANDUM



# Open Solicitation Information Memorandum

## TransWest Express Transmission Project



June 7, 2021



## **Disclaimer**

This Information Memorandum is intended solely to provide participants with relevant information about the TransWest Express Transmission Project (TWE Project or Project) and the TWE Project Open Solicitation process. This Information Memorandum does not address all possible factors that potential transmission service customers may deem important. Potential transmission service customers must undertake their own analysis, including making further inquiries as appropriate.

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## Glossary and Acronyms

**BLM** – Bureau of Land Management

**CAISO** – California Independent System Operator

**EPC** – Engineering, Procurement and Construction agreements

**FERC** – Federal Energy Regulatory Commission

**HVAC or AC** – High Voltage Alternating Current

**HVDC or DC** – High Voltage Direct Current

**ISM** – Independent Solicitation Manager

**LADWP** – Los Angeles Department of Water and Power

**NERC** – North American Electric Reliability Corporation

**OASIS** – Open Access Same-Time Information System

**OATT** - Open Access Transmission Tariff

**OEM** – Original Equipment Manufacturer

**Open Solicitation** – The open solicitation process that FERC approved for the TWE Project in FERC’s Order Granting Application for Authorization to Charge Negotiated Rates, Subject to Condition, and Granting Waivers. 174 FERC ¶ 61,160, Docket No. ER21-645-000.

**PA** – PA Consulting

**PCW** – Power Company of Wyoming LLC

**POD** – Points of Delivery

**SCE** – Southern California Edison

**TAC** – The Anschutz Corporation

**TSA** - Transmission Service Agreement

**WAPA** – Western Area Power Administration

**WECC** – Western Electricity Coordinating Council

## I. Executive Summary

TransWest Express LLC (TransWest) intends to solicit interest in and allocate transmission capacity on the TransWest Express Transmission Project (TWE Project or Project) through an Open Solicitation process (Open Solicitation) approved by FERC on February 26, 2021 (FERC Order on TransWest's Application).<sup>1</sup>

This memorandum provides information about the TWE Project and describes the Open Solicitation process and procedures.

### A. TransWest Express Transmission Project

The TWE Project is a new high-voltage interregional transmission system primarily designed to deliver renewable wind energy from Wyoming to the Desert Southwest region (California, Nevada, and Arizona). The Project's benefits include enhancing the stability of the existing transmission system, providing greater access to location-constrained generation resources, and assisting western states in meeting their renewable portfolio standards.

The Project's developer, TransWest Express LLC, is a wholly owned subsidiary of The Anschutz Corporation, located in Denver, Colorado. General information about TransWest and the TWE Project is provided in Section II below and on TransWest's website at <http://www.transwestexpress.net/index.shtml>.

### B. Available Transmission Service Products

TransWest is offering two primary long-term firm transmission service products through this Open Solicitation: up to 1,500 MW Wyoming to Utah point-to-point service; and up to 1,500 MW Wyoming to Nevada point-to-point service, with several delivery points available (Transmission Service Products or Products). Each of these Products will provide transmission service from Wyoming to market off-take points in Utah and Nevada. The Project can be built in stages generally defined by each of the two primary Products with the first stage expected to be in service in 2025.

### C. FERC-approved Capacity Allocation Process

On February 26, 2021, FERC approved TransWest's application to allocate up to 100 percent of the TWE Project's capacity pursuant to an Open Solicitation managed by an Independent Solicitation Manager (ISM).

PA Consulting (PA) will serve as the ISM and will manage the TWE Project Open Solicitation, including sharing relevant information with potential customers and identifying and ranking "eligible" customers based on a set of objective criteria approved by FERC.

After PA identifies and ranks the eligible entities, TransWest will conduct phased bilateral negotiations with the highest-ranked eligible entities. This initial capacity allocation may result in either the full or near-full subscription of both of the primary Products.

More detailed information about the Open Solicitation, including the eligibility and ranking criteria that will be applied to both affiliates and non-affiliates, is described in Section III.

---

<sup>1</sup> Order Granting Application for Authorization to Charge Negotiated Rates, Subject to Condition, and Granting Waivers. 174 FERC ¶ 61,160, Docket No. ER21-645-000.

## II. TransWest Express Transmission Project

### A. Project Overview

The TWE Project is an overhead high-voltage transmission system that will extend 732 miles from Wyoming to Nevada and will interconnect to existing bulk power systems in Wyoming, Utah, and Nevada. The Project includes a 3,000 MW high-voltage direct current (HVDC) system that will extend from Carbon County, Wyoming to the existing Intermountain Power Project (IPP) 345kV switchyard near Delta, Utah, and a 1,500 MW high-voltage alternating current (HVAC) system that will extend from the HVDC terminal in Utah to several delivery points in southern Nevada.

TransWest will provide Wyoming to Utah service using half of the capacity on the 3,000 MW HVDC system. It will provide Wyoming to Nevada service using the other half of the capacity on the 3,000 MW HVDC system, and the capacity on the 1,500 MW HVAC system. The Wyoming terminal is the point of receipt for both Products being offered.

Figure 1 is a map of the TWE Project transmission system.

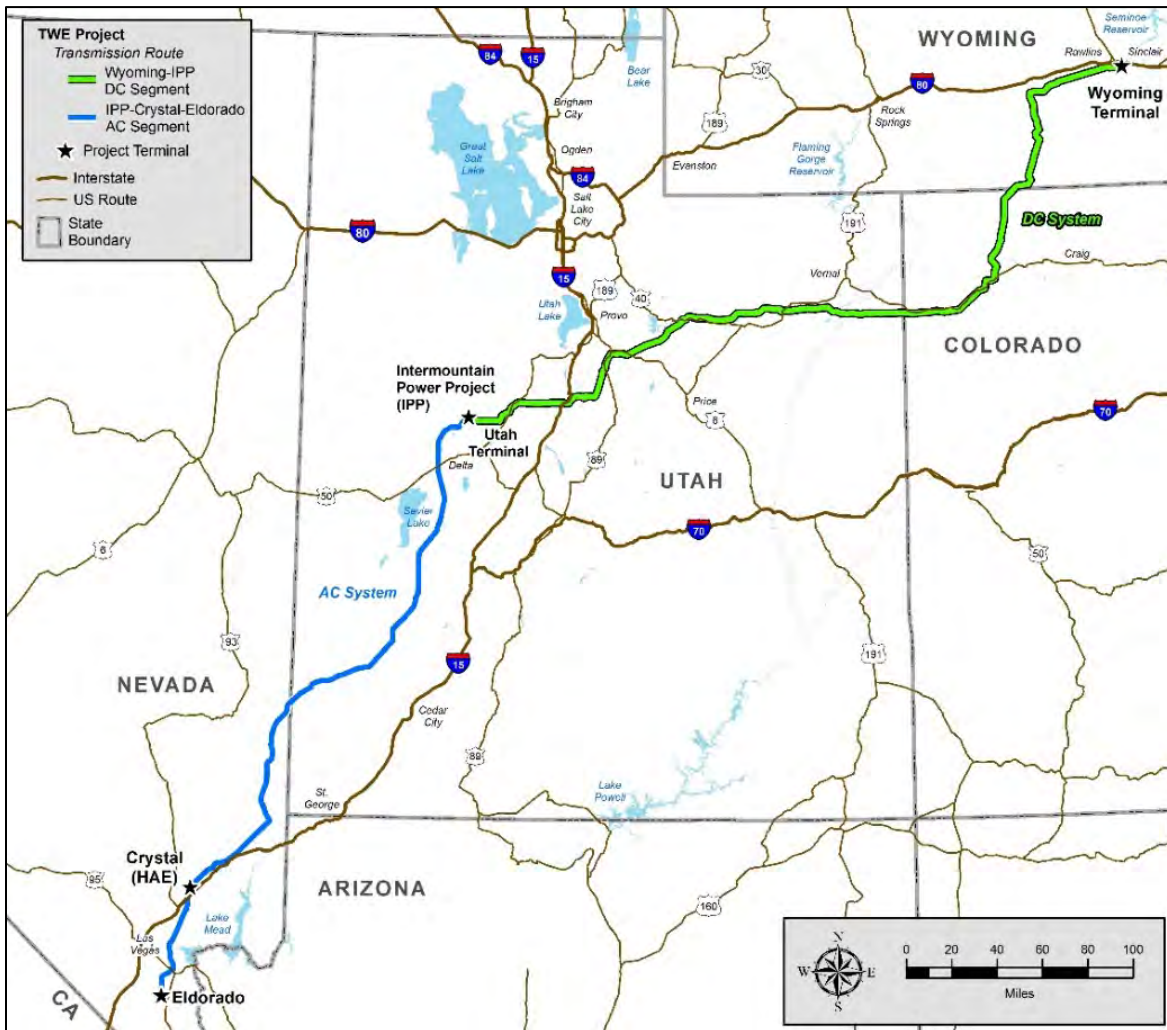


Figure 1. TWE Project Transmission System Map



Prior to this Open Solicitation, TransWest engaged in an extensive outreach process highlighting the benefits of the TWE Project to potential customers and the general public. TransWest's outreach efforts to date have included:

- During the TWE Project's 13-year permitting process, TransWest engaged in public outreach efforts at the federal, state, and local levels, taking advantage of the outreach opportunities presented by many public meetings with government agencies and other stakeholders in all four states traversed by the TWE Project.
- During the permitting process, the federal permitting agencies published numerous public notices in the Federal Register that described the TWE Project, including notices related to the Draft Environmental Impact Statement, Final Environmental Impact Statement, and Records of Decision issued by the Bureau of Land Management, U.S. Forest Service, and WAPA.
- Since the TWE Project's inception, TransWest has actively participated in regional and state energy planning processes to advocate for and highlight the benefits of the TWE Project. These processes included the Regional Transmission Expansion Planning process conducted by WECC; the Regional Planning Processes and Inter-Regional Transmission Planning Coordination processes of each of the three Regional Transmission Planning Groups whose systems the TWE Project will span; resource and transmission planning proceedings conducted by the California Public Utilities Commission; and other formal and ad hoc regional transmission planning processes.
- TransWest has commissioned two comprehensive economic studies highlighting the benefits of the TWE Project. These studies are described in the "California–Wyoming Grid Integration Study" completed by the National Renewable Energy Laboratory in 2014, as well as the "Regional Transmission Expansion Assessment" completed by PA Consulting in 2016.
- TransWest has had a project website since 2009 that provides detailed information about the TWE Project, including but not limited to: project purpose, benefits, timeline, maps and visuals, history, public responsibility, news and updates on the TWE Project beginning in July 2008, regional planning and reports, and contact information.

## B. Technical Description

### *1. HVDC Facilities (Applicable to both Products)*

The TWE Project's 405-mile HVDC segment will include terminals near Sinclair, Wyoming (Wyoming Terminal) and Delta, Utah (Utah Terminal). The HVDC segment is a 3,000 MW,  $\pm 500$  kV, two-terminal, bi-directional, bipole configured, line commutated converter (LCC) HVDC transmission system extending from Carbon County, Wyoming to the existing Intermountain Power Project (IPP) 345kV switchyard near Delta, Utah. The HVDC facilities will be capable of transmitting, in either direction, the full Project capacity in bipole configuration. Full capacity for the HVDC system is 3,000 MW measured at the Utah Terminal's point of interconnection. Of this,

1,500 MW will be allocated to the Wyoming to Utah Product, and 1,500 MW will be allocated to Wyoming to Nevada Product.

The HVDC conductor is a triple-bundled 1,949.6 kcmil Athabaska/TW conductor installed on overhead lattice steel structures.

The Wyoming Terminal includes a 3,225 MW, HVDC Converter Station, a 230 kV substation, two 500/230 kV autotransformers, reactive power equipment including synchronous condensers, and interconnection facilities. The Wyoming Terminal will connect to the following transmission facilities:

- TWE Project Wyoming-IPP DC Segment transmission line;
- TWE Project Wyoming Ground Electrode;
- Existing PacifiCorp Platte-Latham 230 kV transmission line;
- Existing PacifiCorp Aeolus-Anticline (Gateway West) 500 kV transmission line; and
- Planned Aeolus-Clover (Gateway South) 500 kV transmission line<sup>2</sup>.

The Wyoming Terminal is located in Carbon County, Wyoming, south of the town of Sinclair. Specifically, the Wyoming Terminal is located on private land at 41° 44' 56"N, 107° 9' 20"W.

The Utah Terminal includes a 3,000 MW, HVDC Converter Station, a 345 kV substation, reactive power equipment including synchronous condensers, and interconnection facilities. The Utah Terminal will connect to the following transmission facilities:

- TWE Project Wyoming-IPP DC Segment transmission line;
- TWE Project Utah Ground Electrode;
- TWE Project IPP-Crystal AC Segment; and
- Existing IPP 345 kV Switchyard.

Both Terminals have interconnection capacities of at least 1,500 MW. The Wyoming Terminal will interconnect with the PacifiCorp Wyoming system at an interconnection minimum capacity of 1,500 MW and a planned capacity of 3,000 MW to accommodate both Products. In addition, generators or other transmission facilities can interconnect directly with the Wyoming Terminal facilities at either 500 kV or 230 kV.

The Utah Terminal will interconnect to the IPP 345 kV Switchyard with an interconnection capacity of 1,500 MW. The IPP 345 kV Switchyard is integrated within the IPP and LADWP balancing areas, via the 2,400 MW Southern Transmission System (STS) HVDC System that connects to the Southern California transmission network, and the Northern Transmission System (NTS) that connects to the 345 kV transmission network in central Utah (PAC-East) and the 230 kV network in eastern Nevada.

## 2. HVAC Facilities (Applicable to Wyoming to Nevada Product)

In addition to the HVDC facilities described above, the TWE Project also includes HVAC facilities that will be dedicated to the Wyoming to Nevada Product. The HVAC facilities include a 278-mile, 1,500 MW, 500 kV HVAC, series-compensated transmission system extending from the Utah HVDC Terminal to the Crystal substation located northeast of Las Vegas, Nevada, as well as a 49-mile, 500

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<sup>2</sup> PacifiCorp's Gateway West facilities are currently under construction and are expected to be in service before the TWE Project facilities. The Gateway South facilities are currently planned to be placed in service in the 2024 timeframe.

kV HVAC, 70% series-compensated transmission system that will extend from the Crystal substation to the Eldorado Substation and/or other substations in the Eldorado Valley.

The HVAC conductor is a triple-bundled 1,590 kcmil Lapwing/TW conductor per phase installed on overhead lattice steel structures. The HVAC system will include a mid-line series compensation substation near the Utah/Nevada border.

In Utah, the HVAC system will connect to the Utah Terminal with a 500/345 kV transformer and 345/345 kV phase shifting transformers.

In Nevada, the HVAC system will interconnect with the Crystal North 500 kV Switchyard, integrated within the NV Energy balancing area; the Harry Allen-Eldorado 500 kV Line transmission facilities integrated within the CAISO balancing area; and several existing 500kV facilities in the Eldorado Valley that are integrated into several balancing areas including CAISO, LADWP, WAPA, and NV Energy.

### *3. WECC Rating Process*

TransWest has completed Phase 2 of the WECC Path Rating process. Transmission planners from CAISO, SCE, LADWP, NV Energy, WAPA, PacifiCorp, and several other WECC members have reviewed and approved TransWest's Phase 2 Study Report, which included reliability studies on all three segments of the TWE Project. On February 25, 2020, WECC granted Accepted Path Ratings, north-to-south, for each of the TWE Project HVDC and HVAC Facilities:

- HVDC Facilities                      3,000 MW; and
- HVAC Facilities                      1,500 MW

These Accepted Path Ratings represent the maximum north-to-south capacity as measured at the southern interconnection point of each segment. TransWest will allocate capacity on the TWE Project in accordance with these Accepted Path Ratings. The maximum south-to-north capacity of each segment will be similar to the north-to-south Accepted Path Ratings for each segment. TransWest plans to seek appropriate Path Ratings for south-to-north capacity based on the outcome of the Open Solicitation.

### *4. Interconnection Requests*

Table 1 identifies the status of TransWest's requests for interconnection with other transmission facilities in Wyoming, Utah, and Nevada. TransWest will execute Interconnection Agreements with the transmission owners and operators based on the results of the interconnection studies and will continue to work with these entities throughout the design, construction and operation of the TWE Project.

**Table 1. TWE Project Interconnection Status**

<b>Project Segment</b>	<b>Interconnection Points</b>	<b>Status of Interconnection Studies</b>
Wyoming-IPP DC	PacifiCorp 230-kV Platte-Latham line, 500 kV Gateway West and 500 kV Gateway South	PacifiCorp System Impact Study (SIS) in progress. The assumed power flow of the interconnection is 0 MW within the SIS. However, the interconnection facilities are designed to accommodate a minimum power flow of 1,500 MW. Subsequent transmission requests on the respective systems would lead to additional interconnection studies at the appropriate capacity limit.
Wyoming-IPP DC	IPP 345 kV Switchyard	1,500 MW interconnection requested, SIS by LADWP as the IPP Operating Agent is in progress.
IPP-Crystal AC	NV Energy Crystal North 500 kV Switchyard	1,500 MW interconnection requested, NV Energy SIS in progress.
IPP-Crystal AC	Desert Link/CAISO Harry Allen—Eldorado (HAE) 500 kV line facilities near Crystal Switchyard	1,500 MW interconnection requested, Desert Link SIS in progress.
Crystal-Eldorado AC	Southern California Edison /CAISO Eldorado 500 kV Substation	1,500 MW interconnection requested, SCE SIS to be started in July 2021.

**C. Open Solicitation Transmission Service Products**

Through this Open Solicitation, TransWest is offering two primary long-term firm Transmission Service Products. The two Products are:

- 1,500 MW Wyoming to Utah point-to-point service; and
- 1,500 MW Wyoming to Nevada point-to-point service.

Each of these Products will provide transmission service from Wyoming to market off-take points in Utah and Nevada. Several Nevada points of delivery (POD) are available, including the Crystal (NV Energy), Harry Allen (LS Power/CAISO), and Eldorado (SCE/CAISO) substations. TransWest has pending interconnections requests for each POD. TransWest does not own or control transmission service on the existing grid beyond the TWE Project interconnection points. The TWE Project can be built in stages generally defined by each of the primary Products with the first stage in service in 2025. The capacity of the two Products (consisting of the three segments described in II.B above) is the upper limit for each segment for purposes of the capacity allocation process. TransWest does not intend to seek to increase the capacity of the TWE Project as a result of the Open Solicitation due to the delays that would result from determining how to expand the TWE Project beyond its current configuration in a manner that complies with North American Electric Reliability (NERC) and WECC reliability standards.

TAC has developed the TWE Project to provide transmission for wind generation development from Wyoming to load centers in California and the Desert Southwest. The two Transmission Service

Products will provide greater access to location-constrained resources and assist in meeting market demand for renewable energy. The customer commitments resulting from the initial capacity allocation will be used to secure funds for the initial build-out of the TWE Project.

Western Area Power Administration (WAPA) has been a partner with TransWest in the development of the TWE Project. WAPA and TransWest entered into a Development Agreement in September 2011 that was amended in March 2019. Under the amended Development Agreement, WAPA has the right to own 25% of the all-digital fiber communications system on the Project and an option to own 1% of the transmission capacity.

Prior to commencing service, TransWest will file an Open Access Transmission Tariff (OATT) with FERC that will provide third parties with a transparent and uniform practice for requesting electrical interconnection and transmission service for remaining capacity, if any. TransWest will maintain an Open Access Same-Time Information System (OASIS) to ensure uniformity of customer treatment.

#### D. Project Ownership

The TWE Project is owned by TransWest, a limited liability company organized in Delaware to hold, develop, construct, and operate transmission assets. TransWest is a wholly owned affiliate of The Anschutz Corporation (TAC), a privately held company based in Denver, Colorado. Through its affiliates, TAC has been actively involved for more than 75 years in energy development in the western United States.

TAC has extensive experience in developing, constructing and financing and operating numerous infrastructure projects worth billions of dollars in the natural resource, real estate, sports, and entertainment industries. For example, TAC developed, financed, and constructed the Pacific Pipeline, a 132-mile crude oil pipeline that extends from Kern County, California, to refineries in the Los Angeles basin; an 18,500-mile national fiber optic network (Qwest Communications); and major sports arenas and entertainment districts including the Staples Center sports and entertainment arena in Los Angeles; the LA Live entertainment district adjacent to the Staples Center; the O2 arena and entertainment district in London, England, and the Mercedes-Benz arena and entertainment district in Berlin, Germany.

#### E. Development Status

TransWest has completed a majority of the development work required to commence construction of the TWE Project in early 2022 and to place the Wyoming to Nevada Product into service as early as 2025. TransWest has satisfied the major land use permitting requirements and has secured more than 95 percent of the rights-of-way for the Project's 732-mile route across federal, state, and private lands, with over 99 percent of the private land easements secured.

TransWest has secured a Right-of-Way Grant from the Bureau of Land Management (BLM), an Electric Transmission Line Easement from the U.S. Forest Service, and a License for the Electric Transmission Line from the U.S. Bureau of Reclamation in Nevada. TransWest has also secured both of the two necessary state permits from Nevada and Wyoming (a Nevada Utilities Environmental Protection Act Permit and a Wyoming Industrial Siting Permit), as well as the county conditional use permits (or equivalent authorization) from the 14 counties traversed by the TWE Project. TransWest has secured over 99% of the private land easements and is currently completing acquisition of easements across state lands in Wyoming, Colorado, and Utah.

Generally, the remaining pre-construction work is limited to completing right-of-way acquisition; completing the environmental surveys and mitigation plans required by BLM as pre-requisites to

issuance of its Notice to Proceed; completing the negotiation, execution, and regulatory approval of interconnection agreements; contracting with engineering, procurement, and construction contractors; negotiating agreements with customers resulting from the initial Open Solicitation and entering into agreements with customers.

#### F. Construction and Operations

TransWest will finalize the scope and design of the initial build-out of the TWE Project based upon the results of the Open Solicitation for the Transmission Service Products. TransWest has flexibility to build the Project in stages corresponding to the two Products being offered in the Open Solicitation.

TransWest plans to construct the Project under at least two prime Engineering, Procurement and Construction (EPC) agreements. Construction of the entire TWE Project is estimated to take approximately 40 to 48 months from the date TransWest issues a notice to proceed pursuant to any EPC agreements.

TransWest plans to enter into an EPC agreement with an HVDC technology original equipment manufacturer (OEM). The EPC agreement will cover the design and construction of the HVDC converter stations as well as the dynamic reactive control devices for the Wyoming-IPP DC Segment. TransWest will conduct a competitive request for proposals process among at least three HVDC OEMs.

TransWest plans to enter into one or more EPC agreements for construction of the transmission line, HVAC substation, and other system components. These EPC contractors will likely rely on construction and engineering contractor teams, with separate scopes of work for the transmission line and station equipment for each of the three Project segments. Again, TransWest will conduct a competitive tendering process among at least three pre-qualified contractors or teams of contractors. TransWest has exchanged information with a number of interested contracting teams.

In addition to the EPC agreements, TransWest plans to contract with an owner's engineer, construction inspectors, environmental monitors, and other construction management entities to supervise the final design and construction of the TWE Project.

### **III. Open Solicitation Process**

Generally, as outlined below and in its FERC filings, the Open Solicitation will be conducted in three steps. In the first step, TransWest and the ISM are broadly soliciting interest in the TWE Project from potential customers by issuing the Notice announcing the Open Solicitation and soliciting Statements of Interest from entities meeting certain eligibility criteria. In the second step, the ISM will screen the Statements of Interest against the eligibility criteria to determine eligibility of the entities. Once the ISM determines all eligible entities, the ISM will rank eligible entities using the ranking criteria. The third and final step will include phased bilateral negotiations between TransWest and the highest-ranked eligible entities resulting from the ISM screening and ranking process. These negotiations will take place during the defined negotiation window. TransWest will demonstrate in a post-allocation compliance filing that will include a report from the ISM that its customer selection is consistent with the process approved in FERC's Order on TransWest's Application.

#### A. Role of Independent Solicitation Manager

PA Consulting will serve as the ISM for the Open Solicitation.

PA will be the primary point of contact with potential customers during the Open Solicitation. PA's role will include widely publishing the Notice of Open Solicitation; managing the TWE Project Open Solicitation website; providing Project and process information to interested parties; screening potential customers based on the previously disclosed eligibility criteria; ranking eligible customers based on previously disclosed ranking criteria; and preparing a comprehensive post-allocation disclosure report to FERC for inclusion in TransWest's compliance filing.

Potential customers with questions about the TWE Project or the Open Solicitation may email their questions to PA. PA will respond individually to such emails and will also post anonymized versions of the questions and answers on the website for the benefit of others.

#### B. Non-Discriminatory Treatment of Affiliated and Non-Affiliated Bidders

PA, as the ISM, will manage the Open Solicitation to ensure that all potential customers will have equal access to information, and will fairly apply the eligibility and ranking criteria. PA will manage the Open Solicitation in a manner that is consistent with FERC's 2013 Policy Statement and FERC's order approving TransWest's application, 174 FERC ¶ 61,160, Docket No. ER21-645-000.

As disclosed in TransWest's application to FERC, an affiliate of TransWest, Power Company of Wyoming LLC (PCW), intends to participate as a potential customer in the Open Solicitation process. PCW will be required to meet the same eligibility criteria as other potential customers, as determined by the ISM. If PCW meets the eligibility criteria and submits a Statement of Interest, it will also be subject to the same ranking criteria and procedures as other potential customers. Finally, TransWest will offer the same rates, terms, and conditions to both affiliated and non-affiliated potential customers for similar-length transmission service agreements resulting from the capacity allocation process.

#### C. Open Solicitation Website

Through the TWE Project Open Solicitation website, PA will share information with participants in the Open Solicitation. The website includes a public section that contains general information about the TWE Project and about the Open Solicitation, as well as instructions for registering to participate. The registration process includes completing a registration form and executing a Mutual Confidentiality Agreement with TransWest.

Participants who complete the registration process (Registered Participants) have access to a confidential section of the website. The confidential section includes the Statement of Interest form, the form of Customer Agreement, and a table providing indicative rates (\$/kW-Month) and the customer deposit and termination payment (\$/MW) for each Product.

#### D. Registered Participants

To seek transmission capacity on the TWE Project, a Registered Participant must complete and submit a Statement of Interest that addresses the eligibility and ranking criteria described below along with a red-lined version of the form of Customer Agreement form. The Registered Participant may provide any additional supporting material that it believes may be relevant. A Registered Participant may apply for capacity on one or both Transmission Service Products by submitting a separate Statement of Interest for each Product.

Any potential transmission customer can be a Registered Participant. However, PA will reject registration requests from non-customers (e.g., consultants, regulatory agencies, academic institutes, and other transmission developers without a TWE Project nexus).

The identities of potential customers and Registered Participants will remain confidential during the Open Solicitation process. However, those customers who enter into a Customer Agreement with TransWest will be identified in the publicly available ISM Open Solicitation Report prepared after conclusion of the process.

#### E. FERC-Approved Eligibility and Ranking Criteria

In its Order approving TransWest's proposed capacity allocation process, FERC approved the specific eligibility and ranking criteria that will apply in this Open Solicitation. These criteria, as defined in the FERC Order, are set forth below.

##### 1. *Eligibility Criteria*

FERC has approved five eligibility criteria, and a Registered Participant must demonstrate in its Statement of Interest that it meets all five of these criteria. The eligibility criteria with respect to the two Transmission Service Products being offered are:

- a. Readiness to commit, i.e., the Registered Participant's commitment to pursue a customer agreement within TransWest's designated negotiation window as set forth in the Notice;
- b. Commitment to pay a non-refundable deposit upon execution of a customer agreement;
- c. A firm transmission service request for at least 300 MW of capacity of either primary product for at least 20 years;
- d. The ability of the entity to directly interconnect to a TWE Project interconnection point, or interconnection with a third-party system and the ability to secure third-party firm transmission service on an existing transmission system to deliver to or receive from a TWE Project interconnection point; and
- e. An investment-grade credit rating or alternative evidence of creditworthiness.

##### 2. *Ranking Criteria*

FERC has approved seven ranking criteria. PA will rely on these ranking criteria to rank those Registered Participants that meet all of the eligibility criteria. If numerous Registered Participants meet all of the eligibility criteria, then TransWest may limit its negotiations to only the highly ranked Registered Participants and may allocate up to 100% of both Transmission Service Products to a subset of those highly-ranked Registered Participants. The ranking criteria are:

- a. Level of Creditworthiness: Reduction in counterparty risks by entering into contracts with customers with the highest level of creditworthiness and/or credit support;
- b. Larger Capacity Reservations: Maximize support for the full project by executing larger capacity reservations that utilize the HVDC segment and one or two of the linked HVAC segments;
- c. Longer Term of Service: Securing of long-term revenues by obtaining customer commitments with longer terms;
- d. Project Risk-Sharing: Ability to provide financial commitments during the TWE Project development cycle and the term of any customer agreement;



- e. Access to TWE Project Substation: Reduction of the risk that customers will not be able to access the TWE Project by selecting customers that can directly interconnect to a TWE Project interconnection point or have secured transmission service agreements to a TWE Project interconnection point;
- f. Generation Customers: Reduction of project-on-project development risk by entering into contracts with customers based upon completion of generation development milestones and generation commercial operation date (under construction or shovel-ready); and
- g. Non-Generator Customers: Reduction of development risk by evidence of need for capacity, ability to obtain any required regulatory approvals, and the timing of transmission service commencement date.

As provided in TransWest's Application to FERC these criteria are weighted differently based on the needs of the TWE Project. PA as the ISM will apply the criteria in a not unduly discriminatory manner, and Registered Participants with identical ranking characteristics will be afforded the same weight for that particular characteristic. In the absence of any other distinction between prospective customers, the highest ranking will be accorded to the largest-capacity customer bids based on the understanding that larger-sized generation resource developments will benefit from larger-scale transmission developments. Therefore, TransWest does not intend to prorate capacities of potential customers if the TWE Project is potentially "over-subscribed." It may be necessary to refine these criteria based on market circumstances, in which case PA and TransWest will provide public notice of any changes and apply any changes equally to all Registered Participants.

PA will score and rank Statements of Interest with the criteria weighted as follows: (1) Level of Creditworthiness and Project Risk-Sharing (10%); (2) Larger Capacity Reservations (10%); (3) Longer Term of Service (10%); (4) Access to TWE Project Substation (35%); and (5) Reduction of Risk (35%).

#### F. Evaluation of Statements of Interest

PA Consulting will review the Statements of Interest as they are submitted to verify completeness and screen for eligibility according to the eligibility criteria. If PA determines that a Statement of Interest is incomplete or unclear, PA will contact the Registered Participant and allow it a limited opportunity to supplement the Statement of Interest without altering key details.

After the deadline for submitting Statements of Interest, PA will rank the Registered Participants it has deemed eligible, using the ranking criteria set out above. Based on the Statements of Interest, PA will provide TransWest with scoring and ranking for all eligible Registered Participants, together with the corresponding Statements of Interest, to TransWest.

#### G. Negotiation of Customer Agreements

TransWest will engage in phased bilateral negotiations with the highest-ranked eligible Registered Participants, with the goal of entering into one or more Customer Agreements that account for up to 100% of the capacity of the TWE Project Transmission Service Products. These negotiations will take place during a defined negotiation window. The relevant dates within which the negotiations will occur will be posted on the Open Solicitation website, and highly-ranked eligible Registered Participants will receive individual notice.

TransWest will negotiate the contractual terms directly with the highest ranked eligible Registered Participants whom PA has identified. Depending on the market response, TransWest may elect to negotiate with multiple Registered Participants simultaneously regarding both primary Products.

Although FERC does not require non-affiliates to receive the same rates, terms, and conditions as affiliates, TransWest has committed to offer non-affiliates the same rates, terms, and conditions as any affiliate for similar-length TSAs resulting from the allocation. The terms and conditions for the initial capacity will require sufficient commitments from customers to fund the initial build-out of the TWE Project, regardless of whether the customer is an affiliate or non-affiliate of TransWest.

PA Consulting will support TransWest as necessary during the negotiation process. TransWest will inform PA Consulting of the results of the negotiations, and PA will update the Open Solicitation Website with these results. TransWest will also disclose the final results of the negotiations, including the parties' rankings and explanations for the rankings, in its final compliance report to FERC. TransWest will protect the confidentiality of the identities of unsuccessful parties by reporting this information to FERC in a non-public submission.

During the bilateral negotiations, the parties will negotiate the terms of a Customer Agreement, based on the form of Customer Agreement, that will remain in effect until the parties execute a Transmission Service Agreement. The form Customer Agreement outlines the customer deposit and credit support required. It also provides a Transmission Service Agreement term sheet that outlines the adjustments to the indicative rates provided as part of the Open Solicitation will occur. Registered Participants will have access to templates of both the Customer Agreement and the Transmission Service Agreement term sheet.

#### H. Open Solicitation Schedule

The anticipated schedule for the Open Solicitation process is posted on the Open Solicitation website. The 60-day time period to submit a Statement of Interest will not be shortened.

#### I. Post-Allocation Report and TransWest's Compliance Filing

At the completion of bilateral negotiations, PA Consulting will post a report documenting the results of the capacity allocation process on the Open Solicitation website. TransWest will file a post-allocation compliance filing with FERC demonstrating that its customer selection is consistent with FERC's Order on TransWest's Application. TransWest's compliance filing will include a report from PA outlining how it fulfilled its responsibilities to widely publish the Notice of the Open Solicitation; managed the TWE Project Open Solicitation website; provided Project and process information to interested parties; screened potential customers based on the previously disclosed eligibility criteria; and ranked eligible customers based on previously disclosed ranking criteria, applying the same eligibility and ranking criteria to both affiliates and non-affiliates.

### **IV. Contact Information and Useful Links**

- PA Consulting contact information: [2021TransWestOS@paconsulting.com](mailto:2021TransWestOS@paconsulting.com)
- TransWest Express Transmission Project Open Solicitation website: <https://transwestexpress-os.com/>
- TransWest Express Transmission Project website: [www.transwestexpress.net](http://www.transwestexpress.net)

*Version Date: June 3, 2021*

# EXHIBIT 9 - MUTUAL CONFIDENTIALITY AGREEMENT



## MUTUAL CONFIDENTIALITY AGREEMENT

This Mutual Confidentiality Agreement (this “**Agreement**”) is dated and effective as of \_\_\_\_\_ (the “**Effective Date**”) by and between:

**TRANSWEST EXPRESS LLC**, a Delaware limited liability company having offices at 555 Seventeenth Street, Suite 2400, Denver, Colorado 80202 (“**TransWest**”) and,

[ \_\_\_\_\_ ], a \_\_\_\_\_ having offices at \_\_\_\_\_ (“**Company**”).

TransWest and Company are sometimes collectively referred to herein as the “**Parties**” and each individually as a “**Party**.” In consideration of the terms of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge, the Parties agree as follows:

### RECITALS

A. TransWest is developing the TransWest Express Transmission Project, a high-voltage interregional electric transmission system (“**TWE Project**”).

B. TransWest is conducting an open solicitation process (“**Open Solicitation**”) for the initial allocation of certain transmission capacity rights on the TWE Project. TransWest is conducting the Open Solicitation pursuant to a Federal Energy Regulatory Commission (“**FERC**”) order authorizing the process, 174 FERC ¶ 61,160, Docket No. ER21-645-000 (February 26, 2021) (“**Order**”).

C. Company desires to participate in the Open Solicitation.

D. In connection with the Open Solicitation (the “**Permitted Purpose**”), the Parties will disclose Confidential Information (as defined in Section 1 below) to each other and each Party desires to maintain the confidentiality of Confidential Information disclosed by such Party to the other Party.

E. The Parties acknowledge that the Order requires TransWest to submit a compliance filing to FERC after the close of the Open Solicitation process to demonstrate that the Open Solicitation process met FERC’s requirements set forth in the Order (“**FERC Compliance Filing**”). The Parties further acknowledge that, as part of its FERC Compliance Filing, TransWest may disclose Confidential Information to FERC and that such disclosure is part of the Permitted Purpose.

## AGREEMENT

1. For the purposes of this Agreement, each of the following terms has the meaning assigned to it herein:

(a) “**Representatives**” means each and all of such Party’s affiliates, directors, officers, employees, agents, consultants, advisors, subcontractors, attorneys, co-investors, prospective investors, legal counsel, auditors, financial advisors, and potential sources of financing. For purposes of this Mutual Confidentiality Agreement, TransWest’s affiliate Power Company of Wyoming LLC is specifically excluded from the definition of a Representative of TransWest.

(b) “**Disclosing Party**” means the Party that provides Confidential Information to the Receiving Party or its Representatives.

(c) “**Receiving Party**” means the Party that receives Confidential Information from the Disclosing Party or its Representatives.

(d) “**Confidential Information**” means: (i) any non-public technical, business, financial or other information (in written, electronic, oral or visual form or any other form or media whatsoever, including without limitation, any writing, instrument, agreement, letter, memorandum, map, chart, graph, blueprint, photograph, financial statement, compact disc, flash drive or other type of electronic file, or other recording or image), whether or not marked confidential, that is disclosed by Disclosing Party or its Representatives prior to or during the term of this Agreement relating to, or being within the scope of the Permitted Purpose; (ii) the substance of any discussions or communications (in any form or media whatsoever) between (A) Disclosing Party or any of its Representatives and (B) Receiving Party or any of its Representatives relating to any of the foregoing; (iii) all notes, reports, documents, analyses, compilations, forecasts, studies, synopses, and other materials of or prepared by Receiving Party or any of its Representatives that interpret, summarize, evaluate, or include any of the foregoing; and (iv) all copies (including without limitation all electronic copies) of any of the foregoing.

2. All right, title, and interest in and to the Confidential Information shall remain the exclusive property of the Disclosing Party. This Agreement shall not be interpreted or construed as granting any license or any other right to any patent, copyright, trademark, trade secret, or other proprietary right.

3. The following provisions shall apply to the Receiving Party’s receipt of any Confidential Information:

(a) The Receiving Party shall: (i) keep the Disclosing Party’s Confidential Information confidential and refrain from, directly or indirectly, disclosing, allowing access to, transmitting or transferring any such Confidential Information to or by third parties, except as expressly provided in Section 3(b) and 3(c) of this Agreement or with Disclosing Party’s prior written consent; (ii) take reasonable security precautions to keep confidential the Confidential Information, using the same safeguards that it uses to protect its own confidential information of a similar character, but at least using reasonable care; (iii) use Confidential Information solely for the Permitted Purpose; (iv) not remove any confidentiality, copyright or trademark notice, or any other proprietary legend on or in any Confidential Information; and (v) not copy or reproduce the Confidential Information

except as necessary to carry out the Permitted Purpose. Except where the Parties have entered or enter into another written agreement contemplating the exchange of confidential or proprietary information, each Party acknowledges that the other Party does not desire to receive, and agrees not to provide or cause to be provided to the other Party, any confidential or proprietary information that is unrelated to the Permitted Purpose other than as contemplated by such written agreement.

(b) Except as expressly provided for in this Agreement, the Receiving Party shall disclose Confidential Information only to those of its Representatives who have a need to know such Confidential Information to carry out the Permitted Purpose and who are themselves bound by enforceable legal or fiduciary confidentiality obligations at least as protective as those provided in this Agreement. The Receiving Party shall advise such Representatives that the disclosure and use of the Confidential Information is subject to the terms of this Agreement. Unless a Representative has entered into a separate or joinder confidentiality agreement with the Disclosing Party, the Receiving Party shall be liable to the Disclosing Party for any use or disclosure of Confidential Information by any such Representative other than in accordance with and pursuant to the terms and conditions of this Agreement.

(c) TransWest may, in its sole discretion, disclose any or all of the Confidential Information to FERC as part of its FERC Compliance Filing and any related FERC hearings or proceedings, or as required by any other federal or state law or regulation, provided that TransWest complies with the applicable procedures for protecting the confidentiality of such information.

(d) The Receiving Party shall notify the Disclosing Party immediately upon discovery of any loss or unauthorized use or disclosure of Confidential Information or any other breach of this Agreement by the Receiving Party or its Representatives, and will cooperate with the Disclosing Party in every reasonable way to help the Disclosing Party regain possession of the Confidential Information and to prevent its further unauthorized use or disclosure.

4. Notwithstanding anything else in this Agreement, the obligations restricting the use and disclosure of Confidential Information placed on the Parties shall not apply to information:

(a) Which at the time of disclosure is generally available to the public, other than through any breach of this Agreement by the Receiving Party or any of its Representatives;

(b) Which at the time of disclosure is information that the Receiving Party can demonstrate by written records or can otherwise clearly demonstrate by competent evidence was independently developed by the Receiving Party, without reliance on the Confidential Information;

(c) Which after disclosure becomes generally available to the public, other than through any breach of this Agreement by the Receiving Party or any of its Representatives;

(d) Which is subsequently lawfully and in good faith obtained by the Receiving Party from a third party, as shown by documentation sufficient to establish the third party as the source of the Confidential Information; provided that the use and disclosure of such information to the Receiving Party by such third party is not known by the Receiving Party to be in breach of a confidentiality agreement or other similar obligation of confidentiality to the Disclosing Party; or

(e) Which the Receiving Party can demonstrate by written records or can otherwise clearly demonstrate by competent evidence was in its possession, custody or control prior to the date of disclosure of such Confidential Information by the Disclosing Party or any of its Representatives; provided that the possession of such information by the Receiving Party is not known by the Receiving Party to be in breach of a confidentiality agreement or other similar obligation of confidentiality to the Disclosing Party or any of its Representatives.

5. Except as provided in Section 3(c) above, if the Receiving Party or any of its Representatives is requested or required in any legal proceeding or process (including without limitation any regulatory proceeding), or by any law, regulation or action of any governmental authority, to disclose any Confidential Information, the Receiving Party shall, to the extent practicable and permitted by law, promptly notify the Disclosing Party of such request or requirement, and the Receiving Party shall cooperate reasonably with the Disclosing Party, at the Disclosing Party's cost and expense, to resist, clarify, narrow or contest such request or requirement and to seek an appropriate protective order or other reliable assurances of nondisclosure or confidential treatment. If despite such efforts, the Receiving Party or its Representatives are required to disclose any Confidential Information, the Receiving Party and its Representatives may disclose only such Confidential Information, and then only to the person compelling such disclosure, as is required by law and, in connection with such compelled disclosure, the Receiving Party and its Representatives shall, to the extent practicable and permitted by law, reasonably cooperate with the Disclosing Party, at the Disclosing Party's cost and expense, in the Disclosing Party's efforts to obtain written assurance that confidential treatment will be accorded to such Confidential Information. Provided further, that if the Receiving Party or any of its Representatives are required to produce Confidential Information to a public agency without notice to the Disclosing Party, then the Receiving Party shall mark the Confidential Information required to be disclosed to the public agency as "Confidential and Proprietary Information."

6. This term of this Agreement shall be from the Effective Date to the three (3) year anniversary of the Effective Date. Upon such expiration or at any other time, the Receiving Party shall, within thirty (30) days of a written request from the Disclosing Party: (a) either destroy or return to the Disclosing Party all Confidential Information and all copies and summaries thereof in any form whatsoever in the possession or under the control of the Receiving Party or any of its Representatives; and (b) if requested by the Disclosing Party, provide the Disclosing Party with a certificate confirming that the Receiving Party has complied with the requirements set forth in this Section 6. Notwithstanding the foregoing, TransWest may, in its sole discretion, retain Confidential Information that it may utilize or has utilized in connection with its FERC Compliance Filing or any related FERC proceedings as set forth in Section 3(c) above.

7. Notwithstanding anything to the contrary in Section 6, the Parties acknowledge and agree that the Receiving Party's computer system may automatically retain back-up copies of Confidential Information disclosed to the Receiving Party under this Agreement. To the extent that such back-up procedures create copies of the Confidential Information, the Receiving Party may retain such copies in its archival or back-up computer storage for the period the Receiving Party normally archives backed-up computer records, and these computer copies are subject to the provisions of this Agreement until they are destroyed or erased.

8. Each Party acknowledges that: (a) the Confidential Information received from another Party constitutes valuable confidential, commercial, business and proprietary information of the Disclosing Party; (b) serious commercial disadvantage or irreparable harm and significant injury may result for the Disclosing Party if the Receiving Party breaches its obligations under this Agreement; and (c) monetary compensation may not be a sufficient remedy for any breach of this Agreement. The Receiving Party agrees that the Disclosing Party will have the right, without limitation, to seek and obtain injunctive relief, specific performance and other equitable relief without posting bond or other security, to enforce the obligations imposed on the Receiving Party in this Agreement, in addition to any other rights or remedies that the Disclosing Party may have. In addition, the successful party in any action or proceeding brought to enforce this Agreement or to recover damages or other relief on account of any alleged breach of this Agreement shall be entitled to recover costs, expenses, and fees incurred in any such action or proceeding, including reasonable attorney's fees and expenses.

9. With respect to any information, including but not limited to Confidential Information, which the Disclosing Party furnishes or otherwise discloses to the Receiving Party, it is understood and agreed that (a) there is an inherent risk of error in the acquisition, processing, and interpretation of technical data, and (b) the Disclosing Party does not make any representations or warranties, express or implied, as to the accuracy, quality, completeness or fitness for a particular purpose thereof. It is further understood and agreed that neither the Disclosing Party nor its Representatives shall have any liability or responsibility to the Receiving Party (except pursuant to this Agreement) or to any other person resulting from the use of or reliance upon any information so furnished or otherwise provided.

10. It is expressly understood that this Agreement is not and shall not be construed as any form of a letter of intent or agreement to enter into any type of transaction. This Agreement is to evidence the Parties' agreement to maintain the confidentiality of the Confidential Information and shall not constitute any commitment or obligation on the part of either Party to enter into any specific contractual arrangement of any nature whatsoever. Each Party hereto agrees that unless and until a final definitive agreement with respect to the Permitted Purpose (a "**Definitive Agreement**") has been executed and delivered, neither it nor the other Party hereto will be under any legal obligation of any kind whatsoever with respect to such a transaction by virtue of this Agreement or any written or oral expression with respect to such a transaction by any of its Representatives except for the matters specifically agreed to herein.

11. The Parties may not assign or otherwise transfer their rights or delegate their duties or obligations under this Agreement without prior written consent of the other Party. Any such assignment or other transfer without the required prior written consent shall be null and void.

12. All notices, requests, and demands to or upon the respective Party to be effective shall be in writing (including by electronic mail), and shall be deemed to have been duly given or made when delivered by hand (including by courier service), or upon actual receipt or, in the case of electronic mail notice, when confirmation is received, addressed to the addresses set forth below or to such other address as may be designated by any Party in a written notice to the other Party.



Lisa Christian  
David Smith  
TransWest Express LLC  
555 Seventeenth Street, Suite 2400  
Denver, CO 80202

Phone: 303-298-1000  
E-mail: lisa.christian@tac-denver.com  
E-mail: david.smith@tac-denver.com

13. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado, without reference to such state's choice of law principles to the contrary. The Parties consent to the exclusive jurisdiction and venue in any court of competent jurisdiction in Colorado and in the United States District Court for the District of Colorado and to service of process under the statutes of the State of Colorado. No failure or delay by any Party in exercising any right, power or privilege accorded such Party hereunder shall operate as a waiver thereof, nor shall the waiver by any Party of a breach of any provision of this Agreement operate or be construed as a waiver of any subsequent breach.

14. This Agreement shall not create between the Parties a partnership, joint venture, agency or any other special relationship, and neither Party shall by virtue hereof be or represent itself to any other person as being the partner of, joint venturer with or agent of the other Party. Neither Party shall have any right to legally bind or commit the other Party in any manner whatsoever with respect to a potential transaction.

15. This Agreement constitutes the entire agreement and understanding of the Parties with respect to the subject matter hereof and cancels and supersedes any prior discussions, understandings and agreements between the Parties with respect to such subject matter. It is understood that the terms of access by Receiving Party or any of its Representatives to Confidential Information contained in any data room or website shall be superseded by the terms and conditions of this Agreement. This Agreement shall not be amended or modified, except by a written instrument duly authorized and executed by both of the Parties.

16. If any provision of this Agreement is determined to be invalid or unenforceable in whole or in part, such validity or unenforceability shall apply only to such provision and all other provisions hereof shall continue in full force and effect.

17. Each Party shall bear all costs and expenses incurred by it under or in connection with this Agreement. Nothing in this Agreement shall be construed as an obligation by either Party to enter into any additional contract or other business relationship with the other Party in connection with or as a result of the disclosure or receipt of Confidential Information.

18. Each Party may decide what Confidential Information it desires to provide or withhold and nothing in this Agreement shall require either Party to disclose any specific Confidential Information to the other Party.

19. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one agreement. A signature page in “PDF” format to this Agreement shall be deemed an original and binding upon the Party against which enforcement is sought.

*[Signature page follows]*

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

**TRANSWEST EXPRESS LLC**

[\_\_\_\_\_]

\_\_\_\_\_  
By: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# ATTACHMENT B

# Articles about the Open Solicitation

6 Jan, 2021

# TransWest transmission developer seeks FERC approval for capacity solicitation



Author **Michael Lustig**

Theme **Energy**

TransWest Express LLC, the developer of a long-planned multistate transmission line in the western U.S., intends to hold an open season for capacity on its project as soon as March, though that date depends on the Federal Energy Regulatory Commission approving its request.

TransWest Express, owned by private developer The Anschutz Corp., applied to FERC on Dec. 11, 2020 (ER21-645), for authority to sell transmission service rights on its transmission line, running 732 miles in three segments from central Wyoming to the Las Vegas area. It is also seeking negotiated rate authority and approval of a capacity allocation process.

As planned, the line will deliver wind-generated power from Wyoming to the Desert Southwest region. "The TWE Project will provide multiple benefits, including but not limited to enhancing the stability of the existing transmission system, providing greater access to location-constrained resources, and assisting western states in meeting their renewable portfolio standards," TransWest Express said in the application.

The developer requested that FERC approve its application by Feb. 15 so it can begin to solicit bids for transmission capacity shortly after March 1. TransWest Express aims to have the line in service by the end of 2024, saying the timing fits for potential transmission customers to also participate in solicitations by utilities and California community choice aggregators for electricity supplies.

Already, the developer has secured about 95% of the rights-of-way needed for the entire route, as well as county and state permits and needed approvals from federal agencies including the Bureau of Land Management, U.S. Forest Service and Bureau of Reclamation.

As proposed, the TransWest Express line would originate near Sinclair, Wyo., interconnected with the PacifiCorp system, and a 500-kV high-voltage, direct-current line would run about 405 miles to Delta, Utah, where it would interconnect with the Intermountain Power Agency's Intermountain power plant. From there, a 500-kV alternating-current line would run 278 miles to the northeast of Las Vegas, interconnecting with the NV Energy Inc. system as well as LS Power Group's DesertLink transmission line, which links into the California ISO-controlled system. A final 49-mile, 500-kV alternating-current segment could interconnect with any number of transmission facilities in the Eldorado Valley area of southern Nevada, TransWest Express said, providing access to utility systems in Arizona, California and Nevada.

Anschutz Corp. also owns an entity called Power Company of Wyoming, which is behind the long-planned Chokecherry and Sierra Madre Wind Energy Project in Carbon County, Wyo., south of Sinclair. Development of the

wind project, planned to be at least 3,000 MW, prompted Anschutz to acquire the TransWest project in 2008. The history of the transmission project, originated by western U.S. utilities, dates back to 2005.

TransWest Express said the transmission project and wind project are being developed "separately and distinctly," and added that nonaffiliated potential transmission customers will not be precluded from seeking capacity on the line.



# TransWest opens bidding for transmission of Wyo. wind to Southwest US

Monday, June 7, 2021 5:03 PM ET

By Garrett Hering  
*Market Intelligence*

A long-planned high-voltage transmission project intended to harness Wyoming's abundant wind energy resources to meet demand for low-cost, carbon-free power in the Southwest has started taking bids for transmission capacity.

PA Consulting, the independent solicitation manager for TransWest Express LLC's 732-mile TransWest Express Transmission Project, on June 7 announced an open season for the far-flung system's initial capacity allocation, including up to 1,500 MW of firm transmission service products from Wyoming to Utah and up to 1,500 MW from Wyoming to Nevada.

Owned by Denver-based private developer The Anschutz Corp., TransWest Express received Federal Energy Regulatory Commission approval for the solicitation process in February, following a proposal filed in December 2020. Anschutz, owned by billionaire Philip Anschutz, acquired the development rights for the project in 2008.

Planned to start construction in 2022 and begin service in 2025, the project includes a 3,000-MW, high-voltage, direct-current system that would extend about 405 miles from Carbon County, Wyo., where Anschutz is also developing a 3,000-MW wind farm, to a 345-kV switchyard adjacent to the existing coal-fired Intermountain power plant near Delta, Utah, and a 1,500-MW high-voltage, alternating-current system that would link the Utah terminal to several points in southern Nevada. TransWest described this segment as having a 278-mile portion from the Utah terminal to the Crystal substation northeast of Las Vegas and a 49-mile portion extending to the Eldorado substation southeast of Las Vegas.

Statements of interest are due by Aug. 6. PA Consulting will screen registered participants and begin bilateral negotiations Aug. 23.

The Intermountain coal plant, operated by the Intermountain Power Agency to deliver power to Los Angeles and other municipalities in Southern California and Utah, and associated infrastructure are part of a major hydrogen project under development that would rely on the region's excess wind and solar resources.

The coal plant is planned to be repowered into a facility initially running on a mix of natural gas and green hydrogen in 2025, gradually increasing to 100% hydrogen by 2045. Mitsubishi Power Americas Inc., which is supplying hydrogen-combustible turbines to Intermountain, is working with Magnum Development LLC to create hydrogen using the process of electrolysis and store it in an underground facility below the power plant.

Participants in that project are among a large number of stakeholders in the Western Interconnection that are seeking greater access to Wyoming's wind resources.

*This article was published by S&P Global Market Intelligence and not by S&P Global Ratings, which is a separately managed division of S&P Global.*

# FERC approves open season for Wyoming-to-Nevada TransWest power line

*Ethan Howland, March 1, 2021, CQ Roll Call*

The Federal Energy Regulatory Commission approved TransWest Express LLC's open season for capacity on a planned transmission line to run from Wyoming to southern Nevada, where power can reach California markets.

FERC on Feb. 26 said TransWest's plans met the commission's criteria to sell capacity on a transmission line at negotiated rates (ER21-645). TransWest will bear all the market risk for building the power line, it said.

The TransWest Express project, under development by an Anschutz Corp. subsidiary, is slated to run about 730 miles from Sinclair, Wyo., to the Marketplace hub in southern Nevada where the line could deliver about 3,000 megawatts of generation to the California Independent System Operator system. The roughly \$3 billion transmission project includes an interconnection point in Utah.

TransWest aims to start operating the power line by the end of 2024 so wind farms in Wyoming would be eligible for pending renewable energy requests for proposals issued by power suppliers in California and the Southwest.

The transmission line, which has been under development for more than a decade, would improve the stability of the grid, providing access to remote wind farms and help Western states meet their renewable portfolio standard requirements, according to TransWest.

The open solicitation, to be managed by PA Consulting Group Inc., will include two long-term firm transmission service product offerings: a 1,500-MW Wyoming-to-Utah point-to-point service and a 1,500-MW Wyoming-to-Nevada service.

The nearly shovel-ready transmission project can be built in stages, depending on the outcome of the solicitation, according to TransWest.

TransWest said the customer commitments from the initial capacity allocation will be used to secure funds to build the project.

The Western Area Power Administration is supporting the TransWest project through its Transmission Infrastructure Program, a \$3.25 billion lending program authorized as part of the American Recovery and Reinvestment Act of 2009 to spur renewable energy development. The federal power marketer has an option to own 1 percent of the line's capacity.

Another Anschutz subsidiary, Power Co. of Wyoming LLC, is developing two wind farms totaling up to 3,000 MW in southern Wyoming. Power Co. of Wyoming could buy capacity on the TransWest line.

If Power Co. of Wyoming is given capacity on the transmission line, TransWest pledged it would show the affiliate wasn't given preferential treatment.

6/7/21 Project Fin. Int'l (Pg. Unavail. Online)  
2021 WLNR 18397638

Project Finance International  
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June 7, 2021

### US – Capacity offered on **TransWest Express**

Jun 7 - PA Consulting has launched an open solicitation for the initial allocation of transmission capacity on the **TransWest Express (TWE) project**, a 732-mile high-voltage system that will deliver electricity generated by renewable resources. The solicitation will include two primary long-term, firm transmission service products: up to 1.5GW of Wyoming-to-Utah service, and up to 1.5GW of Wyoming-to-Nevada service. Statements of interest are being received through August 6. The project is being developed by The Anschutz Corporation, a privately-held agriculture and energy development company based in Denver. The project's cost was last estimated at more than US\$3bn and financing plans have not yet been detailed.

(Alison Healey)

((alison.healey1@refinitiv.com))

#### --- Index References ---

Company: ANSCHUTZ CORP (THE); PA CONSULTING GROUP INC; PA CONSULTING GROUP INC; ANSCHUTZ CORP (THE)

News Subject: (Real Estate Investments (1RE04); Products Liability (1PR53); Commodities (1CO82))

Industry: (Electric Utilities (1EL82); Electric Utilities Generation (1EL37); Electric Utilities Generators (1EL15); Energy & Fuel (1EN13); Energy & Fuel Industry Highlights (1EN14); Utilities (1UT12); Renewable Energy Sources (1RE65); Electric Utilities Commodity Trading (1EL04))

Region: (Americas (1AM92); North America (1NO39); U.S. West Region (1WE46); USA (1US73); Wyoming (1WY84); Americas (1AM92); USA (1US73))

Language: EN

Other Indexing: (Alison Healey)

Keywords: Computer data; Computer files; Computing; Markup languages; **TWE**; **TransWest Express**; Western Interconnection

Word Count: 118



HOME □ GENERATION □ TransWest: PA Consulting announces open solicitation for initial allocation of transmission capacity on TWE

# TransWest: PA Consulting announces open solicitation for initial allocation of transmission capacity on TWE

A JUNE 7 STATEMENT SAID THAT A NOTICE OF OPEN SOLICITATION AND INFORMATION MEMORANDUM ARE AVAILABLE ON THE OPEN SOLICITATION WEBSITE, WITH COMPLETED STATEMENTS OF INTEREST DUE TO PA CONSULTING BY 5 P.M. MT ON AUG. 6

□ June 7, 2021 □ Corina Rivera-Linares □ Generation, Intelligence, Planning, Transmission, Weekly Newsletter



**PA Consulting** (PA) on June 7 announced the open solicitation for the initial allocation of transmission capacity on the 732-mile, high voltage interregional TransWest Express Transmission Project (TWE

## RELATED ARTICLES

Report: 'More workable transmission policies' needed for 22 projects to begin construction soon

## RELATED PROJECTS

TransWest Express Project

**Attention Job Seekers**  
 Check out Power Grid jobs in Transmission and Distribution

T&DWorld.  
**Job Center**

Start Search



Project).

As noted in the [statement](#) posted on the project website, **TransWest Express LLC** (TransWest) has retained PA as the independent solicitation manager (ISM) for the open solicitation, through which TransWest is seeking interest in the project from potential customers.

The open solicitation will include two primary long-term, firm transmission service products: up to 1,500 MW Wyoming to Utah point-to-point service, and up to 1,500 MW Wyoming to Nevada service. Each of those products will provide transmission service from Wyoming to market off-take points in Utah and Nevada, the statement added.

In the open solicitation, prospective transmission customers can seek transmission capacity on the project consistent with the product offering, the statement noted, adding that **FERC** granted TransWest's request to sell transmission capacity at negotiated rates and approved the proposed capacity allocation process in a February order (Docket No. ER21-645-000).

The statement further noted that a notice of open solicitation and information memorandum are available on the open solicitation [website](#), with completed statements of interest due to PA Consulting by 5 p.m. MT on Aug. 6.

According to the notice of solicitation, the new transmission line will extend from Carbon County, Wyo., to Clark County, Nev., with interconnections in Wyoming, Utah, and Nevada.

The project includes a 3,000-MW HVDC line from Wyoming to Utah, and a 1,500-MW HVAC line from Utah to Nevada.

The notice also said that construction is anticipated to begin in 2022, with the project to be in service as early as 2025.

TransWest is a wholly owned subsidiary of **The Anschutz Corporation**, according to the notice.

*Photo Credit: ID 97286265 © Airubon | Dreamstime.com*



6/9/21 Renewables Now 00:00:00

Renewables Now  
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June 9, 2021

## Solicitation launched for new Wyoming-Nevada transmission capacity

Wednesday, Jun 9

June 9 (Renewables Now) - The developer of the 3-GW **TransWest Express (TWE)** renewable power transmission line between Wyoming and Nevada is seeking potential customers for capacity available under the project.

**TransWest Express** LLC has issued an open solicitation for the initial capacity allocation process, awaiting statements of interest from potential clients. The round will aim to solicit interest for two primary long-term firm transmission service products -- an up to 1,500-MW Wyoming to Utah point-to-point service, and another for an up to 1,500-MW Wyoming to Nevada point-to-point service. Each of the two will provide transmission service from Wyoming to market off-take points in Utah and Nevada.

The solicitation is being organised by independent manager PA Consulting on behalf of **TransWest Express**. Statements of interest will be accepted by August 6.

With a USD-3-billion (EUR 2.46bn) investment, the 732-mile (1,178 km) high-voltage direct current (HVDC) project will help Western electricity markets gain access to high-capacity wind power supplies from Wyoming and enable the connected states and entities reach renewable energy and emissions targets.

Major federal and state permits have been secured from the Nevada and Wyoming regulators, the Bureau of Land Management (BOEM) and other government agencies. Conditional use permits and county authorisations have been obtained in 14 counties, the developer said.

"This 500 kV electricity transmission investment will help modernize the Western power grid and make it more resilient, reliable and ready to facilitate the renewable energy that is needed to achieve federal, state and municipal goals," said Bill Miller, president and CEO of TransWest.

(USD 1.0 = EUR 0.820)

---- **Index References** ----

Company: PA CONSULTING GROUP INC

The nine members of the Fire Victim Trust Oversight Committee responded to a letter sent by the lawmakers to California Attorney General Rob Bonta, asking him to investigate the matter. They disputed recent press reports that the fund had racked up \$51 million in overhead and paid out only \$7 million (see CEM No. 1644 [6]).

The press reports were based on 2020 data, but the fund has now paid out \$285.7 million, according to the letter. The total amount of approved claims is \$684.3 million, with the total eventual payout set at \$13.5 billion. About 11,500 fire victims have received preliminary payment, the letter says. Operating expenses of the fund through April 30 were \$84 million.

“We take our role as the TOC very seriously,” the letter says. “In our role of providing oversight, we continue to work with the Trust to improve the claims resolution process, expedite the distribution of funds to claimants, and provide more up to date reporting on claims progress, determinations, payments, and expenses. We also know that inaccurate reporting regarding the progress of the FVT undermines the process and inflicts greater harm on the fire survivors and family members of those who died in the fires.”

The letter also suggests several legislative measures, including making compensation to victims tax-free, and that the money not be counted as income for purposes of calculating need-based benefits. The committee members also suggest legislation that would help the trust obtain “accurate and timely data from the insurance companies showing how much each insured fire survivor received from their insurer and insisting that the insurance companies release the billions of dollars that they are holding in reserves for fire survivors.” —*Jason Fordney*

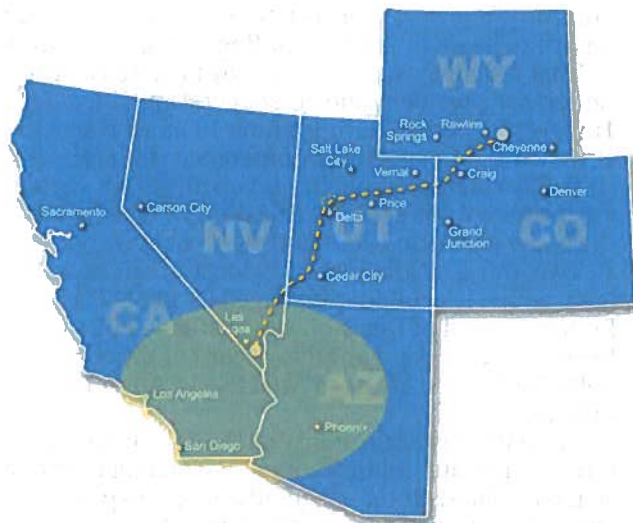
## [12] TransWest Express Starts Solicitation for Western Transmission Capacity

An open solicitation process to allocate the initial transmission capacity of the TransWest Express Transmission Project began June 7, according to PA Consulting, which functions as the project’s independent solicitation manager.

TransWest Express is a 732-mile high-voltage transmission system that will connect Carbon County, Wyoming, to Clark County, Nevada. It will also interconnect with the Intermountain Power Project grid in Utah.

The system—which will consist of a 500-kV-capacity high-voltage direct-current system with terminals in Wyoming and Utah and a 500-kV high-voltage alternating-current system that will run between Utah and southern Nevada—will provide 3,000 MW of transmission and will bring wind generation from Wyoming to other Western markets, including Southern California when completed. Possible points of delivery into the California Independent System Operator grid include the Harry Allen or Eldorado substations, which are operated by NV Energy and Southern California Edison, respectively.

The solicitation is for two primary long-term, firm transmission services—up to 1,500 MW of



The approximate route of the TransWest Express transmission line project is shown as a dotted line. It spans from the MarketPlace Hub in Nevada to south-central Wyoming, with a terminal near Delta, Utah. Graphic: TransWest Express LLC

point-to-point service between Wyoming and Utah and up to 1,500 MW of service between Wyoming and Nevada. The allocation process was approved by the Federal Energy Regulatory Commission in a Feb. 26 order [ER21-645].

TransWest, which began work on the project in 2008, said it has secured the key permits for the project—including from the U.S. Bureau of Land Management, the U.S. Forest Service and the Bureau of Reclamation, as well as the states of Wyoming and Nevada. It also said it has “labor partnerships in place and nearly all rights-of-way acquired.” TransWest intends to stage construction of the terminals in Wyoming in Utah “to align with market demand.” The first stage of the project will take roughly three years to complete.

“The TWE Project is essentially shovel-ready critical infrastructure that will materially advance national energy and economic interests,” Bill Miller, president and CEO of TransWest, said in a news release. “This 500 kV electricity transmission investment will help modernize the Western power grid and make it more resilient, reliable and ready to facilitate the renewable energy that is needed to achieve federal, state and municipal goals.”

In a June 2020 report on the nation’s transmission infrastructure, FERC used TransWest Express as an example of the infrastructure needed to help states meet their renewables portfolio standards and related energy targets. “If constructed, the TransWest Express could help deliver the renewable energy needed for Arizona, Nevada and California to achieve their RPSs of 15 percent by 2025, 25 percent by 2025, and 60 percent by 2030, respectively,” FERC said.

TransWest expects the project to create direct and indirect jobs throughout the four states—Wyoming, Colorado, Utah and Nevada—in which the project is located. It anticipates that the amount of local sales and use tax payments to be made throughout the construction process will be more than \$113 million.

The start date for construction will be determined after BLM issues the project a notice to proceed.

Currently, it expects construction to start in 2022 with service to begin in 2025, according to the solicitation.

That schedule was confirmed by Roxane Perruso, senior vice president and chief operating officer for TransWest Express, during a June 10 panel discussion at the virtual Clean Power Conference (see story at [15]). She called the solicitation opening “accidentally great timing” and said, “I can’t wait for us to get out of the paper phase and start getting steel in the ground.”

Two-thirds of the project is located on federal land, which is primarily managed by BLM. The TWE Project Record of Decision was published by BLM in December 2016, and another record of decision was published by the Western Area Power Administration in January 2017.

TransWest is a subsidiary of the Anschutz Corporation, a private holding company headquartered in Denver. It holds interests in oil and gas exploration companies as well as in performing arts centers and professional soccer and hockey teams. One of its best-known subsidiaries is AEG Worldwide, which owns Staples Center and Oakland Arena.

A notice of open solicitation and information memorandum is available. Completed statements of interest must be submitted by any potential transmission customers to PA Consulting by 5 p.m. Mountain time, Aug. 6. —*Linda Dailey Paulson*

### [13] CPA Signs Four Renewables Contracts

The Clean Power Alliance board of directors signed four different long-term power-purchase contracts at its June 3 meeting, adding 256.5 MW of renewable energy and 163 MW of storage capacity to the community choice aggregator’s portfolio.

The contracts provide energy from one geothermal facility and three solar-plus-storage facilities; three are for 15 years and one is a 20-year contract.

“CPA is providing a model for California and our nation as to how to provide the reliable electricity that people need today in an environmentally-friendly way that protects our earth for future generations,” CPA Executive Director Ted Bardacke said in a news release. “Our customers expect reliability. The addition of these geothermal and solar plus storage facilities will allow us to better provide 24/7 reliable energy to address our customers’ needs.”

Two of the four contracts were signed with Clearway Energy Group. A 15-year contract for energy from the company’s Arica solar-plus-storage project in Riverside County will provide CPA with 93.5 MW of photovoltaic solar generation and 71 MW of storage. The facility is expected to produce 284,054 MWh/year on average. The CCA expects to start taking delivery of energy from Arica in December 2023.

Another 15-year contract with Clearway is for power from its Daggett 2 solar-plus-storage project, which CPA said is an extension of the Daggett solar-plus-storage project with which it is already under contract. The San Bernardino County facility will provide 65 MW of solar plus 52 MW of storage to CPA starting in September 2023. It should provide 202,432 MWh/year on average.



Calpine's The Geysers geothermal facility. Photo: Clean Power Alliance

CPA has two other contracts with Clearway, for the previously mentioned Daggett project and the Rosamond Central Solar Project in Kern County.

The CPA board also approved a 20-year contract with NextEra Energy Resources for 48 MW of solar plus 40 MW of storage from its Resurgence Solar II project in San Bernardino County. This should provide CPA with 144,161 MWh/year on average.

The board also approved a 15-year contract with Calpine for 50 MW of geothermal energy from The Geysers. The contract will supply 438,000 MWh of energy per year, on average. Calpine will commence delivery to CPA in January 2022.

This is the second geothermal procurement for CPA. In May, it signed a 15-year power-purchase agreement with Ormat Technologies for generation from the 14-MW Heber South Geothermal facility in the Imperial Valley, which also goes into effect in January 2022 (see CEM No. 1641 [13]).

CPA said it has signed 19 long-term contracts with renewable and storage resources to date, which helps it meet its regulatory and legislative requirements. The agreements are between 10 and 20 years in duration and will provide its customers with 1,601 MW of renewables and 878 MW of storage. CPA said they will help it avoid roughly 1.2 million metric tons of greenhouse gas emissions for a year. Most of the contracts are for solar or solar-plus-storage projects, but the CCA said it now has a diverse portfolio with stand-alone storage, wind, geothermal and hydro.

Five of the contracted projects are currently on line; the others should begin operating and delivering energy between late 2021 and the end of 2024.

CPA, which was founded in 2017, provides power to member cities in Los Angeles and Ventura counties, plus unincorporated areas within those counties, and serves about 1 million customer accounts. —*Linda Dailey Paulson*

### [14] Edison International Releases 2020 Sustainability Report

Southern California Edison claims it provided customers with more carbon-free energy and at lower rates last year than in 2019, according to parent company Edison International’s 2020 Sustainability Report, released June 2.





TOP STORY

## TransWest Launches Open Solicitation for Western Transmission Capacity

Linda Dailey Paulson Jun 11, 2021



The approximate route of the TransWest Express transmission line project is shown as a dotted line. It spans from the Marketplace Hub in Nevada to south-central Wyoming, with a terminal near Delta, Utah.

TransWest Express LLC

An open solicitation to allocate transmission capacity on the [TransWest Express Transmission Project](#) began June 7, according to PA Consulting, which serves as the independent manager of the process.

TransWest Express is a 732-mile high-voltage transmission system that will connect Carbon County,

*(Note: The following text is partially obscured and appears to be a continuation of the article or a related note.)*



3:48

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Matthew Pierce Updated Sep 26, 2019

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## TWE Project Commences Initial Capacity Allocation Process

*Matthew Mercure*



With key permits secured, labor partnerships in place and nearly all rights-of-way acquired, the [TransWest Express Transmission Project](#) (TWE Project) is commencing its initial capacity allocation process.

Through an open solicitation, [TransWest Express LLC](#) is soliciting interest in the TWE Project from potential customers for two primary long-term firm transmission service products: up to 1,500 MW Wyoming to Utah point-to-point service and up to 1,500 MW Wyoming to Nevada point-to-point service. Each of these products will provide transmission service from Wyoming to market off-take points in Utah and Nevada.

The solicitation is being managed by PA Consulting, an independent solicitation manager. The TWE Project is a high-voltage interregional transmission system designed to extend from Carbon County, Wyo., to Clark County, Nev., with an interconnection into the Intermountain Power system in Millard County, Utah. The use of both HVDC and HVAC technology, along with the midpoint terminal, will increase the system flexibility and physical transmission capacity of the Western U.S. power grid.

The TWE Project also will assure that various Western electricity markets can access geographically diverse, complementary, high-capacity wind energy supplies available from Wyoming. This will help states and other entities to efficiently and cost-effectively meet their renewable portfolio standards and emissions reductions targets.

Since TransWest started its work on the TWE Project in 2008, the company has:

- Acquired nearly all of the rights-of-way for the 732-mile transmission route, including those over 99% of the privately owned lands.
- Completed major federal and state permitting milestones with the Bureau of Land Management (BLM), the U.S. Forest Service, the Bureau of Reclamation, the state of Wyoming and the state of Nevada.
- Obtained conditional use permits or other required county authorizations in all 14 counties.
- Entered into a development agreement with Western Area Power Administration, part of the U.S. Department of Energy.
- Entered into partnering agreements with the International Brotherhood of Electrical Workers and the International Union of Operating Engineers.
- Completed TWE Project reliability reviews through the Western Electricity Coordinating Council rating process.

“The TWE Project is essentially shovel-ready critical infrastructure that will materially advance national energy and economic interests,” says Bill Miller, president and CEO of TransWest. “This 500 kV electricity transmission investment will help modernize the Western power grid and make it more resilient, reliable and ready to facilitate the renewable energy that is needed to achieve federal, state and municipal goals.”

TransWest plans to build the HVDC system to provide 3,000 MW of transmission capacity, and the terminals in Wyoming and Utah will be constructed in two stages of 1,500 MW each to align with market demand. The first construction stage will take about three years, with commencement to be determined after the BLM notice to proceed is issued. The HVAC system constructed from Utah to Nevada is planned to provide 1,500 MW of transmission capacity.

When TWE Project construction begins, it will create hundreds of new direct jobs – such as heavy equipment operators, line workers, welders, electricians, environmental

compliance monitors and more – in all four states hosting the TWE Project, along with supporting thousands of indirect and induced jobs across the value chain. Local sales/use tax payments made over the course of construction are estimated at over \$113 million to be paid across Wyoming, Colorado, Utah and Nevada.

Two-thirds of the TWE Project route lies on federal land primarily managed by the BLM. States and counties along the route participated in the federal environmental analysis process as cooperating agencies. They provided critical local knowledge to inform the preparation of an environmental impact statement from 2009-2015 and the selection of the final route, as documented in the TWE Project record of decision published by BLM in December 2016 and the record of decision published by WAPA in January 2017.

For more information on TransWest and the TWE Project, click [here](#).

6/15/21 SNL Energy Fin. Daily (Pg. Unavail. Online)  
2021 WLNR 19692575

SNL Energy Finance Daily  
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June 15, 2021

Section: Conference Chatter

## At a crossroads, grid buildout gains traction in Western US

Garrett Hering

Transmission lines from the Western Area Power Administration's Mead Substation extend west toward California. Momentum is gathering for deeper integration in the western grids. Source: Western Area Power Administration photo by Chris Lyles Even as energy regulators, electric utilities and grid operators across the Western United States battle over access to resources this summer, a decades-old effort to consolidate the region's fragmented transmission system is gathering momentum.

In Nevada and Colorado, state lawmakers recently passed measures requiring utilities to join a regional transmission organization by 2030. While no such regional entity exists today in the Western Interconnection, several energy market participants are vying to assume that role. The chief challengers are California ISO, which runs the wholesale power system serving most of the Golden State and manages the expanding real-time Western Energy Imbalance Market, or EIM, and the Southwest Power Pool, which already operates as an RTO in the Eastern Interconnection and has westward ambitions.

But there are other possibilities.

"Whether or not it's an RTO that includes the entire West, whether it includes CAISO, or whether it's part of SPP, or whether it's a standalone on its own not associated with either CAISO or SPP, that's all on the table," Doug Howe, a director at the Western Grid Group and board member at the New Mexico Renewable Energy Transmission Authority, said in a recent interview. "It's all on the table and people are considering it."

Other stakeholders in the region share that view.

"I don't think the only options are CAISO and SPP in the West," Michael Lamb, senior vice president of transmission at Xcel Energy Inc., said June 10 during a panel discussion on a potential "transmission renaissance" in the Western U.S., including both a buildout and a sweeping integration. "It's a blank canvas and we should think about it that way. And we can create, as the utilities in that region, our own mosaic."

Headquartered in Minneapolis, Xcel's assets stretch from the Upper Midwest to Colorado, where it operates the state's largest utility, and into New Mexico and Texas. In the Upper Midwest, Xcel operates within the RTO of the Midcontinent ISO. In the Texas Panhandle and eastern New Mexico, it is part of SPP.

Xcel's Public Service Co. of Colorado, on the other hand, is one of the 38 balancing authorities in the Western Interconnection, spanning 14 states, two Canadian provinces and northern Baja Mexico.

"We are at a crossroads," Lamb said on the June 10 panel, which was hosted by the American Clean Power Association.

'The map has been drawn'

Former Colorado Gov. Bill Ritter, who directs the Center for the New Energy Economy at Colorado State University and chairs the board of directors of the Energy Foundation — two groups separately exploring the possibility of a regional grid — said coal-dependent communities in the Intermountain West, for instance, already struggling with coal's eroding demand and economics, may be able to reorient their economies partly by building renewable energy facilities for population centers further west.

"The West is really getting to a better place of understanding the need for regionalization," Ritter said, speaking on the same panel. But "nervousness about governance" among smaller states like Wyoming, Montana and Utah, Ritter said, indicates concerns over being saddled with costs for transmission projects to send resources to the Desert Southwest and West Coast.

Seeking to strike a balance between the angst among smaller states and persistent concerns among California lawmakers over giving away control of their own grid, CAISO plans to forward a "joint authority proposal" this summer to the grid operator's governing board as well as the governing body of the EIM, according to CAISO President and CEO Elliot Mainzer.

While market participants are keeping their options open, "in many ways, the map has been drawn, and under virtually all scenarios, California will need to import ... significant renewable energy from adjacent states to meet its clean energy goals," Mainzer said.

Emerging lines

While the RTO debate unfolds, several major transmission infrastructure projects are moving ahead that seek to carry electricity produced from abundant renewable energy resources from the far reaches of Wyoming and New Mexico to major population centers in Arizona, Nevada and California.

One is the 732-mile **TransWest Express** Transmission Project, which aims to deliver some of Wyoming's best wind resources to California and the greater Desert Southwest. An affiliate of Denver-based private developer The Anschutz Corp., owned by billionaire Philip Anschutz, recently opened bidding for an initial up to 1,500 MW of firm point-to-point transmission service to Utah and another up to 1,500 MW to Nevada over the proposed transmission project.

"What we're finding is that everybody is seeing the benefits of geographic diversity," Roxane Perruso, senior vice president and chief operating officer of **TransWest Express** LLC, said during the discussion.

Another emerging asset is NV Energy Inc.'s nearly 600-mile Greenlink Nevada project, the first phase of which received state regulatory approval in March. Developers of large-scale solar-plus-storage stations are moving to tie in to the project.

NV Energy is owned by Warren Buffett's Berkshire Hathaway Energy, which also owns Portland, Ore.-based PacifiCorp., with a service territory covering parts of Washington, Oregon, Idaho, Wyoming, Utah and California.

"It feels like this is a sudden moment that has been in the making for about 15 years," said Christina Hayes, vice president of federal regulatory affairs at Berkshire Hathaway Energy.

"We've all seen the shortages in the West ... and looking ahead to even [this] week we're expecting 115-degree weather in Las Vegas, and so I am afraid our system is going to be tested again."

6/16/21 IJGlobal (Pg. Unavail. Online)  
2021 WLNR 21685920

IJGlobal  
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June 16, 2021

## Open solicitation for TransWest transmission capacity

Taryana Odayar

An open solicitation process is under way to allocate transmission capacity for the 732-mile, high-voltage **TransWest Express** Transmission Project.

The project, which is expected to cost about \$3 billion, will deliver renewables-generated electricity to the power grid that serves the western US.

The transmission line will run from Carbon County, Wyoming to Clark County, Nevada, with an interconnection to the Intermountain Power system in Millard County, Utah.

PA Consulting is acting as the independent solicitation manager on the process and is taking statements of interest by 6 August.

The solicitation calls for two long-term, firm transmission service products:

Up to 1,500MW Wyoming to Utah point-to-point service  
Up to 1,500MW Wyoming to Nevada service

Each of these will provide transmission services from Wyoming to market offtake points in Utah and Nevada.

The US Federal Energy Regulatory Commission approved TransWest's request to sell the transmission capacity on 26 February.

TransWest started working on the project in 2008 and construction is expected to start by the end of 2021.

Once online, the project will deliver about 20,000GWh of electricity per year.

It will use both high-voltage direct current and alternating current technology, comprising:

A 500kV direct current system with terminals near Sinclair, Wyoming and Delta, Utah  
A 500kV alternating current system from the Utah terminal to southern Nevada

(A version of this story first appeared on Power Finance & Risk )




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*The dotted line indicates the approximate route of this transmission line project, from the Marketplace Hub in Nevada to south-central Wyoming, with a terminal near Delta, Utah. The TWE Project aligns with regional transmission development objectives set forth in an [April 2005 Memorandum of Understanding](#) signed by the governors of Wyoming, Utah, Nevada and California.*



The route of the TransWest Express Transmission Project starts in Wyoming, goes through Colorado, Utah and Nevada. It will impact Arizona, California and Nevada.



## TransWest Express begins interregional Transmission Project



Darlene Reilley  
dreilley@ubmedia.biz

Jun 17, 2021 9:00 AM

On June 7, TransWest Express, an independent developer, announced it had secured all permits, labor partnerships and nearly all rights of way for its Transmission Project.

TWE, through PA Consulting, is conducting an Open Solicitation. Interested applicants should submit their Statement of Interest.

This is a high-voltage, interregional transmission system going from Carbon County, Wyoming to Clark County, Nevada. There will be an interconnection to Intermountain Power in Millard County, Utah.





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way for the 732 miles of transmission route, and over 99% of the privately-owned lands.

The company has completed permitting milestones with multiple government agencies, obtained conditional use permits in 14 counties and completed a Development Agreement with the Western Area Power Administration which is part of the U.S. Department of Energy.

“The TWE Project is essentially shovel-ready critical infrastructure that will materially advance national energy and economic interests,” Bill Miller, TWE president and chief executive officer, said. “This 500 kV (kilovolt) electricity transmission investment will help modernize the Western power grid and make it more resilient, reliable and ready to facilitate the renewable energy that is needed to achieve federal, state and municipal goals.”



The company estimates construction costs across Wyoming, Colorado, Utah and Nevada at more than \$113 million.

For more information on TransWest and the TWE Project, visit [www.transwestexpress.net](http://www.transwestexpress.net).

For more information on the Open Solicitation, visit [www.transwestexpress-os.com](http://www.transwestexpress-os.com).

# TransWest Twitter Account

March 4, 2021

 **TransWest Express**  
1,313 Tweets



**TransWest Express**  
@TWEProject

732 miles of new high-voltage transmission infrastructure to efficiently link diverse renewable resources, strengthen Western electricity grid, benefit America.

📍 Western U.S. [🌐 transwestexpress.net](https://transwestexpress.net) 📅 Joined March 2010

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 **TransWest Express** @TWEProject · 18m ...

Another step forward for the TWE Project: FERC approves TransWest's process for allocating [#transmission](#) capacity; notice of open solicitation to be available soon. [transwestexpress.net/about/ferc.sht...](https://transwestexpress.net/about/ferc.sht...) [#Wind](#) [#regionalgrid](#)

  1  1  

June 3, 2021

 **TransWest Express**  
1,364 Tweets



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**TransWest Express**  
@TWEProject

New interregional, high-voltage transmission infrastructure to efficiently link diverse renewable resources, strengthen Western power grid, benefit America.

📍 Western U.S. [🌐 transwestexpress.net](https://transwestexpress.net) 📅 Joined March 2010

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On Feb. 26, FERC approved TransWest's initial capacity allocation process for the high-voltage interregional TWE Project; notice of open solicitation to be available soon. [transwestexpress.net/about/ferc.sht...](https://transwestexpress.net/about/ferc.sht...) #wind

June 7, 2021



**TransWest Express**  
@TWEProject

New interregional, high-voltage transmission infrastructure to efficiently link diverse renewable resources, strengthen Western power grid, benefit America.

Western U.S. [transwestexpress.net](https://transwestexpress.net) Joined March 2010

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We're the Independent Solicitation Manager for the Open Solicitation for the initial allocation of transmission capacity on the TransWest Express Transmission Project. Read more about the solicitation >>  
[ow.ly/41Z550F4IQM](https://ow.ly/41Z550F4IQM)

June 9, 2021



 **TransWest Express** @TWEProject · Jun 9

With key permits secured, labor partnerships in place and nearly all rights-of-way acquired, the TransWest Express [#Transmission](#) Project is commencing its initial capacity allocation process. [#energyinfrastructure](#)  
[transwestexpress.net/news/alerts/20...](https://transwestexpress.net/news/alerts/20...)