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**P.U.C. DOCKET NO. 36978
SOAH DOCKET NO. 473-10-0515**

**APPLICATION OF ELECTRIC
TRANSMISSION TEXAS, LLC TO
AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
CONSTRUCT A PROPOSED UVALDE
TO CASTROVILLE 138 KV
TRANSMISSION LINE WITHIN
UVALDE AND MEDINA COUNTIES,
TEXAS**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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**P.U.C. DOCKET NO. 36995
SOAH DOCKET NO. 473-09-4967**

**APPLICATION OF ONCOR ELECTRIC
DELIVERY COMPANY LLC TO
AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
A PROPOSED TRANSMISSION LINE
WITHIN BELL, FALLS, MILAM, AND
ROBERTSON COUNTIES, TEXAS**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**P.U.C. DOCKET NO. 37104
SOAH DOCKET NO. 473-10-0672**

**APPLICATION OF SOUTHWESTERN
PUBLIC SERVICE COMPANY TO
AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR
A PROPOSED TRANSMISSION LINE
WITHIN DALLAM AND SHERMAN
COUNTIES, TEXAS**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

P.U.C. DOCKET NO. 37407
SOAH DOCKET NO. 473-10-0399

APPLICATION OF ONCOR ELECTRIC	§	
DELIVERY COMPANY LLC TO	§	
AMEND ITS CERTIFICATE OF	§	PUBLIC UTILITY COMMISSION
CONVENIENCE AND NECESSITY	§	
(CCN) FOR THE TONKAWA -	§	
SWEETWATER EAST - CENTRAL	§	OF TEXAS
BLUFF 345-KV CREZ TRANSMISSION	§	
LINE IN SCURRY, MITCHELL,	§	
FISHER, NOLAN AND TAYLOR	§	
COUNTIES	§	

P.U.C. DOCKET NO. 37408
SOAH DOCKET NO. 473-10-0398

APPLICATION OF ONCOR DELIVERY	§	
COMPANY LLC TO AMEND A	§	
CERTIFICATE OF CONVENIENCE	§	PUBLIC UTILITY COMMISSION
AND NECESSITY (CCN) FOR THE	§	
RILEY - BOWMAN 345-KV CREZ	§	
TRANSMISSION LINE (FORMERLY	§	OF TEXAS
OKLAUNION - BOWMAN LINE)	§	
WITHIN ARCHER, WICHITA, AND	§	
WILBARGER COUNTIES	§	

P.U.C. DOCKET NO. 37409
SOAH DOCKET NO. 473-10-0400

APPLICATION OF ONCOR DELIVERY	§	
COMPANY LLC TO AMEND A	§	PUBLIC UTILITY COMMISSION
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY (CCN) FOR THE	§	
CENTRAL B - CENTRAL A -	§	OF TEXAS
TONKAWA 345-KV CREZ	§	
TRANSMISSION LINE IN SCURRY	§	
AND MITCHELL COUNTIES	§	

P.U.C. DOCKET NO. 37448
SOAH DOCKET NO. 473-10-1097

APPLICATION OF LCRA	§	
TRANSMISSION SERVICES	§	
CORPORATION TO AMEND ITS	§	PUBLIC UTILITY COMMISSION
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY FOR THE GILLESPIE	§	
- NEWTON 345-KV CREZ	§	OF TEXAS
TRANSMISSION LINE IN GILLESPIE,	§	
LLANO, SAN SABA, BURNET AND	§	
LAMPASAS COUNTIES	§	

P.U.C. DOCKET NO. 37463
SOAH DOCKET NO. 473-10-0709

APPLICATION OF ONCOR ELECTRIC	§	
DELIVERY COMPANY, LLC TO	§	PUBLIC UTILITY COMMISSION
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR	§	
THE NEWTON - KILLEEN 345-KV	§	OF TEXAS
CREZ TRANSMISSION LINE IN BELL,	§	
BURNET AND LAMPASAS COUNTIES	§	

P.U.C. DOCKET NO. 37464
SOAH DOCKET NO. 473-10-0710

APPLICATION OF ONCOR ELECTRIC	§	
DELIVERY COMPANY, LLC TO	§	
AMEND ITS CERTIFICATE OF	§	PUBLIC UTILITY COMMISSION
CONVENIENCE AND NECESSITY FOR	§	
THE BROWN - NEWTON 345-KV	§	
CREZ TRANSMISSION LINE IN	§	OF TEXAS
BROWN, MILLS, LAMPASAS,	§	
MCCULLOCH AND SAN SABA	§	
COUNTIES	§	

**P.U.C. DOCKET NO. 37529
SOAH DOCKET NO. 473-10-1089**

APPLICATION OF ONCOR ELECTRIC	§	
DELIVERY COMPANY LLC TO	§	PUBLIC UTILITY COMMISSION
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR	§	
THE CENTRAL BLUFF - BLUFF	§	OF TEXAS
CREEK 345-KV CREZ TRANSMISSION	§	
LINE IN NOLAN, TAYLOR, AND	§	
RUNNELS COUNTIES	§	

**P.U.C. DOCKET NO. 37530
SOAH DOCKET NO. 473-10-1088**

APPLICATION OF ONCOR ELECTRIC	§	
DELIVERY COMPANY LLC TO	§	PUBLIC UTILITY COMMISSION
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR	§	
THE BLUFF CREEK - BROWN 345-KV	§	OF TEXAS
CREZ TRANSMISSION LINE IN	§	
TAYLOR, RUNNELS, COLEMAN, AND	§	
BROWN COUNTIES	§	

SUPPLEMENTAL PRELIMINARY ORDER

The Texas Parks and Wildlife Department (TPWD) is the state agency with primary responsibility for protecting Texas's fish and wildlife resources.¹ TPWD's duties include the provision of information and recommendations regarding the protection of fish and wildlife resources to local, state, and federal agencies.²

¹ TEX. PARKS & WILD. CODE ANN. § 12.0011(a) (Vernon 2002 & Supp. 2009).

² *Id.* § 12.0011(b).

In 2009, the Texas Legislature amended section 12.0011 of the Texas Parks and Wildlife Code to require that an agency with statewide jurisdiction provide a written response to each recommendation or informational comment made by TPWD pursuant to section 12.0011(b).³ The Commission's statutory duty to provide a written response applies to all TPWD recommendations or informational comments made on or after September 1, 2009.

TPWD typically files recommendations and comments regarding applications to the Commission for a certificate of convenience and necessity (CCN). These recommendations and comments cover a wide variety of issues concerning environmental assessments, routing, construction, and other issues. In a contested case, a proper evaluation of the recommendations and comments will require development of the evidentiary record for each application based upon the specific facts and circumstances presented by that application.

Accordingly, in order to fulfill this new statutory duty, the Commission will include an issue to be addressed in its preliminary orders related to TPWD's recommendations and comments. Development of the record on this issue will allow the administrative law judge and the Commission to properly address these matters as required by section 12.0011(b) and in accordance with section 2001.141 of the Administrative Procedure Act.⁴ Furthermore, in order to fulfill this statutory requirement in CCN applications that have already been docketed and are currently pending before the State Office of Administrative Hearings (SOAH), the Commission issues this supplemental preliminary order in each pending CCN docket identified by this order.

³ *Id.* § 12.001(c) (Vernon Supp. 2009).

⁴ TEX. GOV'T CODE ANN. §§ 2001.001-.902 (Vernon 2008 & Supp. 2009).

I. ADDITIONAL ISSUES TO BE ADDRESSED

The Commission must provide to the ALJ a list of issues or areas to be addressed in any proceeding referred to SOAH.⁵ The Commission identifies the following additional issues that must be addressed in this docket:

- 1) On or after September 1, 2009, did the Texas Parks and Wildlife Department provide any recommendations or informational comments regarding this application pursuant to section 12.0011(b) of the Texas Parks and Wildlife Code? If so, please address the following issues:
 - a) What modifications, if any, should be made to the proposed project as a result of any recommendations or comments?
 - b) What conditions or limitations, if any, should be included in the final order in this docket as a result of any recommendations or comments?
 - c) What other disposition, if any, should be made of any recommendations or comments?
 - d) If any recommendation or comment should not be incorporated in this project or the final order, or should not be acted upon, or is otherwise inappropriate or incorrect in light of the specific facts and circumstances presented by this application or the law applicable to contested cases, please explain why that is the case.

This list of issues is not intended to be exhaustive. The parties and the ALJ are free to raise and address any issues relevant in this docket that they deem necessary, subject to any limitations imposed by the ALJ, or by the Commission in future orders issued in this docket. The Commission reserves the right to identify and provide to the ALJ in the future any additional issues or areas that must be addressed, as permitted under TEX. GOV'T CODE ANN. § 2003.049(e).


⁵ TEX. GOV'T CODE ANN. § 2003.049(e) (Vernon 2008 & Supp. 2009).

II. EFFECT OF SUPPLEMENTAL PRELIMINARY ORDER

This Supplemental Order is preliminary in nature and is entered without prejudice to any party expressing views contrary to this Order before the SOAH ALJ at hearing. The SOAH ALJ, upon his or her own motion or upon the motion of any party, may deviate from this Order when circumstances dictate that it is reasonable to do so. Any ruling by the SOAH ALJ that deviates from this Order may be appealed to the Commission. The Commission will not address whether this Order should be modified except upon its own motion or the appeal of a SOAH ALJ's order. Furthermore, this Order is not subject to motions for rehearing or reconsideration.

SIGNED AT AUSTIN, TEXAS the 30th day of November 2009.

PUBLIC UTILITY COMMISSION OF TEXAS


BARRY T. SMITHERMAN, CHAIRMAN
DONNA L. NELSON, COMMISSIONER
KENNETH W. ANDERSON, JR., COMMISSIONER