



Control Number: 37464



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**SOAH DOCKET NO. 473-10-0710
PUC DOCKET NO. 37464**

APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR A PROPOSED CREZ 345-KV TRANSMISSION LINE IN BROWN MCCULLOCH, MILLS, SAN SABA AND LAMPASAS COUNTIES, TEXAS	§ § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**COMMISSION STAFF'S WITHDRAWAL OF OBJECTION TO THE
DIRECT TESTIMONY OF LARRY GURLEY AS AN UNQUALIFIED EXPERT**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Withdrawal of Objection to the Direct Testimony of Larry Gurley on behalf of Lewis Linn and Phyllis Cohen as follows:

I. BACKGROUND

On October 7, 2009, Oncor Electric Delivery Company LLC (Oncor) filed an application to amend its certificate of convenience and necessity (CCN) for a proposed 345-kV CREZ Transmission Line in Brown, McCulloch, Mills, San Saba and Lampasas Counties. On November 19, 2009, the Administrative Law Judges (ALJs) entered Order No. 6 setting a procedural schedule in this Docket. On December 11, 2009, Lewis Linn and Phyllis Cohen filed the direct testimony of Larry Gurley. On December 15, 2009, Staff filed Objections to Intervenor Direct Testimony. On December 22, 2009, Lewis Linn and Phyllis Cohen filed their Response to Staff's Objections and Motion for Hearing.

**II. STAFF'S WITHDRAWAL OF OBJECTION
AS UNQUALIFIED EXPERT**

Staff filed objections to the direct testimony of Larry Gurley as not being qualified to provide expert testimony regarding the routing of transmission lines. Upon reviewing Lewis Linn and Phyllis Cohen's response and consulting with their attorneys, Staff withdraws its objection to Mr. Gurley's direct testimony on the basis of an unqualified opinion. Staff continues to object to Exhibit LG-5 for the reasons set forth in Staff's objections. Staff has

consulted with attorneys for Lewis Linn and Phyllis Cohen and has permission to represent that a hearing is no longer necessary on this matter.

CONCLUSION

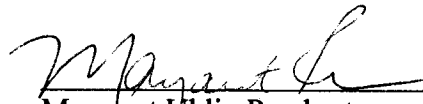
Staff respectfully requests that no ruling be made on the Staff's objections to the qualifications of Larry Gurley.

DATE: December 31, 2009

Respectfully Submitted,

Thomas S. Hunter
Division Director
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December, 31, 2009 in accordance with P.U.C. Procedural Rule 22.74.


Margaret Uhlig Pemberton