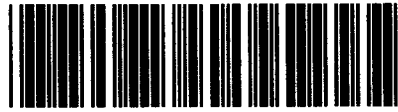




Control Number: 38484



Item Number: 208

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# OPEN MEETING COVER SHEET

**MEETING DATE:** January 13, 2011

**DATE DELIVERED:** January 11, 2011

**AGENDA ITEM NO.:** 10

**CAPTION:** Docket No. 38484; SOAH Docket No. 473-10-5919 - Application of Wind Energy Transmission Texas, LLC, for a Certificate of Convenience and Necessity for the Scurry County South – Long Draw-Grelton-Odessa 345-kV Transmission Line in Scurry, Mitchell, Borden, Howard, Dawson, Martin, Midland, and Ector Counties

**ACTION REQUESTED:** Memo from Commissioner Nelson

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# Public Utility Commission of Texas

## Memorandum

**TO:** Chairman Barry T. Smitherman  
Commissioner Kenneth W. Anderson, Jr.

**FROM:** Commissioner Donna L. Nelson

**DATE:** January 11, 2011

**RE:** Agenda Item No. 10; Docket No. 38484; SOAH Docket No. 40210-919  
*Application of Wind Energy Transmission Texas, LLC, for a Certificate of Convenience and Necessity for the Scurry County South – Long Draw-Grelton-Odessa 345-kV Transmission Line in Scurry, Mitchell, Borden, Howard, Dawson, Martin, Midland, and Ector Counties; January 13, 2011 Open Meeting*

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I reviewed the proposed order in this proceeding and fully support the parties' settlement. However, I propose the following minor adjustments to the order:

First: Findings in 159a, 159b, and 159c that state WETT "will" take certain actions in response to the TPWD recommendations. I propose replacing "will" with "shall" and moving them from findings of fact section to the ordering paragraphs section of the Order. Doing so will recast these findings from WETT commitments to requirements ordered by the Commission.

Second: The Commission recently updated its requirements regarding language required to address minor deviations to approved routes. The proposed order needs to be updated to incorporate these new requirements as follows:

1. Ordering Paragraph 9 needs to be revised to read: "WETT shall cooperate with directly affected landowners to implement minor deviations in the approved route to minimize the impact of the project. Any minor deviation to the approved route shall only directly affect landowners who were sent notice of the transmission line in accordance with P.U.C. PROC. R. 22.52(a)(3) and shall directly affect only those landowners that have agreed to the minor deviation. Any agreed minor deviations shall not delay the project beyond its Commission-required completion date nor shall any minor deviation add any significant cost to the project."
2. A new ordering paragraph should be added to read: "WETT shall be permitted to deviate from the approved route in any instance in which the deviation would be more than a minor deviation, but only if the following two conditions are met. First, WETT shall receive consent from all landowners who would be affected by the deviation regardless of whether the affected landowner received notice of or participated in this proceeding. Second, the deviation shall result in a reasonably direct path towards the terminus of the

line and not cause an unreasonable increase in cost or delay. Unless these two conditions are met, this paragraph does not authorize WETT to deviate from the approved route except as allowed by the other ordering paragraphs in this Order.” (A re-ordering of the existing ordering paragraphs will be required.)

3. A new ordering paragraph should be added to read: WETT is required to update the reporting of this project on its monthly construction progress report prior to the start of construction to reflect final estimated cost and schedule in accordance with P.U.C. SUBST. R. 25.83(b). In addition, WETT shall provide final construction costs, with any necessary explanation for cost variance, after completion of construction and when all charges have been identified. WETT shall file in Project No. 37858 information pursuant to P.U.C. SUBST. R. 25.216(f) and the order in Docket No. 37902. (A re-ordering of the existing ordering paragraphs will be required.)

I look forward to discussing this with you in the open meeting.